



भारत का राजपत्र

The Gazette of India

प्रकाशित द्वारा प्रकाशित
PUBLISHED BY AUTHORITY

सं. 47]

नई दिल्ली, सनियार, नवम्बर 22, 1997/अग्रहायण 1, 1919

No. 47] NEW DELHI, SATURDAY, NOVEMBER 22, 1997/AGRAHAYANA 1, 1919

इस भाग में भिन्न पृष्ठ संख्या वाली है जिससे कि यह नलग संकलन के रूप में
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a
separate compilation

भाग II—पार्ट 3—उप-उपड (II)
PART II—Section 3—Sub-section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सार्विधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

कार्मिक, सोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 28 अक्टूबर, 1997

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSION

(Department of Personnel and Training)

New Delhi, the 28th October, 1997

का०आ० 2943:—केन्द्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद्वारा श्री आर०एम० तिवारी, अधिवक्ता दिल्ली को मुख्य महानगर दंडाधिकारी, दिल्ली/अतिरिक्त जिला एवं सत्र न्यायाधीश, दिल्ली/नई दिल्ली की अदालत में मामला संख्या अर०सी० 1(एस)।/92-एस०आई०य०-III/नई दिल्ली और किसी अन्य न्यायालय में उससे जुड़े अथवा उसके साथ अभियोजक नियुक्त करती है।

[संख्या 225/14/97 ए०वी०डी०-II]

हरि सिंह, अवर सचिव

[No. 225/14/97-AVD. II]

HARI SINGH, Under Secy.

आदेश
नई दिल्ली, 5 नवम्बर, 1997

का०आ० 2944.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस एसेसमेंट अधिनियम, 1946 (1946 का अधिनियम सं० 25) की आरा 6 संपाठि आरा 5 की उपधारा (4) द्वारा ब्रिटिश शक्तियों का प्रयोग करती हुए दिनांक 20-10-1997 के उत्तर प्रदेश राज्य सरकार के आदेश सं० 677/पीएसएस/97-द्वारा प्रस्तु उत्तर प्रदेश राज्य सरकार की सहैता से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकृतियों का विस्तृत बहुत नोएडा औद्योगिक विकास प्राधिकरण के विभिन्न अधिकारियों के विरुद्ध 12-09-1997 को आयोजित प्राधिकरण द्वारा की 25वीं बैठक में अनुमोदन के लिए प्राप्ति कुछ प्रस्तावों से संबंधित आरोपों अथवा उन आरोपों में उद्भूत किन्हीं अन्य अपराधों के अन्वेषण के लिए सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं० 228/84/97-ए वी डी-2]
हरि सिंह, अवार सचिव

ORDER

New Delhi, the 5th November, 1997

S.O. 2944.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Uttar Pradesh vide Order No. 677/PSHS/97 dated 20-10-1997, hereby extends the powers of jurisdiction of the members of the Delhi Special Police Establishment in whole of the State of Uttar Pradesh for investigation of charges against various officers of Greater Noida Industrial Development Authority with reference to certain proposals which were sought approved in its 25th Board Meeting held on 12-9-1997, or any other offences arising out of these charges.

[No. 228/84/97-AVD. II]
HARI SINGH, Under Secy.

विस मंत्रालय

(आयोजक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 28 अक्टूबर, 1997

का०आ० 2945.—केन्द्रीय सरकार, राजभाषा (संघ के अस्सीय प्रयोगों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में, संलग्न अनुबंध से निपटानिकृत बैंकों के सूचीबद्ध कार्यालयों/शाखाओं को, जिनके 8.0% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक भाषा प्रयोग कर लिया है, अधिकृत करती है—

क्रम सं०	बैंक का नाम	कार्यालयों/शाखाओं की संख्या
1	2	3
1.	भारतीय स्टेट बैंक	161
2.	विजया बैंक	041
3.	सेन्ट्रल बैंक आफ इंडिया	008

	1	2	3
4.	सिडिकेट बैंक	025	
5.	आन्ध्रा बैंक	021	
			256

[का०सं० 11016/3/96-संघी]
मधुरा प्रसाद, उपनिदेशक (संस्करण)

भारतीय स्टेट बैंक

1. किला शाखा
2. शाहबाजपुर शाखा
3. नेकपुर शाखा
4. रसोली निजामपुर (बदायूँ) शाखा
5. लाभारी शाखा
6. रियोनार्द शाखा
7. लखनपुर शाखा
8. एकतानगर शाखा
9. इतनपुर कला शाखा
10. नूरपुर शाखा
11. अनियाकोट शाखा
12. इण्डस्ट्रियल स्टेट अलीपुर शाखा
13. निसेया खेड़ा शाखा
14. धोला देवी शाखा
15. चलनीछोना शाखा
16. पैसिया शाखा
17. गगरीमोन शाखा
18. चिरियानीला शाखा
19. बाराकोट शाखा
20. कपकोट शाखा
21. मनान शाखा
22. रामपुर शाखा
23. काफरा शाखा
24. डंगोली शाखा
25. अमिसरटोला शाखा
26. रकामपुर शाखा
27. ध्यरडी शाखा
28. जाखा शाखा
29. चमोशाशक्ता
30. साइअमगर शाखा
31. गुंजी शाखा
32. औरपट्टा शाखा
33. बजावे साला
34. दसाईथल शाखा
35. बंगापानी शाखा
36. कंडेक्टरोली शाखा
37. सूरजकुंड शाखा
38. रखात शाखा
39. मलाओं शाखा

40. बुडियाबाड़ी शाखा	90. चिल्लमां बाजार शाखा
41. टेकवर शाखा	91. ओझागंज शाखा
42. बोकटा शाखा	92. केशवपुर शाखा
43. जसवाल शाखा	93. इंडस्ट्रियल एरिया खलीलाबाद शाखा
44. महादेव बाजार शाखा	94. मुंदिला बाजार शाखा
45. दुनिया शाखा	95. दरहाटा शाखा
46. तिसौरा शाखा	96. नरायणपुर (परसिया माल) शाखा
47. मदनपुर शाखा	97. बागापांर शाखा
48. महोकबां शाखा	98. तरकलुवां शाखा
49. डिडई शाखा	99. आई ओ सी कानपुर शाखा
50. मनीजोत शाखा	100. शेरपुर शाखा
51. करोदामसीना शाखा	101. डबौली शाखा
52. सौफीपुर शाखा	102. डडोरा शाखा
53. सिकरीबकरीयां शाखा	103. लहरपुर शाखा
54. औराताल शाखा	104. सबेड़ी शाखा
55. बधयां शाखा	105. इंडस्ट्रियल इस्टेट भररा शाखा
56. पोखरी शाखा	106. अलीहीपुर शाखा
57. अगयां शाखा	107. कोरा कनक शाखा
58. मौलनापुर शाखा	108. गढ़ा शाखा
59. पुरेना शाखा	109. नरीचा शाखा
60. डुबेलिया चौराहा शाखा	110. रेलवे स्टेशन कानपुर शाखा
61. भीटी मिश्रा शाखा	111. धवाकर शाखा
62. चप्पीलांब शाखा	112. बूकप्पा बुजुर्ग शाखा
63. भद्रावल शाखा	113. एवं ए एल कानपुर शाखा
64. महुली शाखा	114. बसीला शाखा
65. पाकाडाड शाखा	115. बेतहर शाखा
66. उत्तरांब शाखा	116. हफीजाबाद शाखा
67. छिवईयां शाखा	117. परेवा शाखा
68. इस्माइलपुर शाखा	118. बंदहर खुर्द शाखा
69. महौरीकलां शाखा	119. भिकारीपुर पतासिया शाखा
70. तिवारीपुर शाखा	120. सर्विस ब्रांच कानपुर शाखा
71. औगड़ा शाखा	121. इंडो गल्फ फर्टलाइजर जगदीशपुर शाखा
72. कसौदर शाखा	122. इंडस्ट्रियल फाइनांस ब्रांच शाखा
73. कर्मनपुर शाखा	123. ओवरसीज कानपुर शाखा
74. मिश्रा बाजार शाखा	124. ओवरसीज कानपुर शाखा
75. आरा शाखा	125. भपटामऊ शाखा
76. कोल्हपुर शाखा	126. जेल रोड लखनऊ शाखा
77. सत्तरिया इंडस्ट्रियल एरिया शाखा	127. विक्रमादित्य मार्ग, लखनऊ
78. तेवा शाखा	128. इन्दिरा नगर लखनऊ शाखा
79. बशाही शाखा	129. गोमती नगर लखनऊ शाखा
80. बसहारा शाखा	130. ननूती शाखा
81. इटवा कलां शाखा	131. बानी शाखा
82. अखारीशाहपुर शाखा	132. संफाबाद शाखा
83. सिधिया शाखा	133. सीलापुर शाखा
84. भरेसर शाखा	134. कुंभी आइमा शाखा
85. ललतारा शाखा	135. मानगढ़ शाखा
86. बिरौली शाखा	136. अगई शाखा
87. मुहम्मदपुर अनेठा शाखा	137. नंदमेहर शाखा
88. कादीपुर शाखा	138. चांदपुर शाखा
89. भद्राह चौराहा शाखा	139. दीवानगंज शाखा

140. शेखपुर आर्थिक शाखा
 141. भेलारा शाखा
 142. सोहरियावां शाखा
 143. रोजागांव शाखा
 144. गिसवां खुर्द शाखा
 145. कुरबा शाखा
 146. बेलसर शाखा
 147. बालपुर शाखा
 148. सीसामऊ (बोंडा) शाखा
 149. बिशुनपुर शाखा
 150. सराय खास शाखा
 151. भंगुरा बाजार शाखा
 152. बनधुसरा शाखा
 153. नानाहुरा शाखा
 154. जनकपुर शाखा
 155. फतेहपुर गाजी शाखा
 156. पीपरियां अगर शाखा
 157. पहरीमऊ शाखा
 158. रामपुरा मिश्रा शाखा
 159. सर्विस बांध, लखनऊ शाखा
 160. काशी विश्वनाथ मंदिर शाखा
 161. अम्बाला शहर शाखा अम्बाला

1. विजया बैंक
 क्षेत्रीय कार्यालय,
 पी०बी०सं० 53,
 प्रमोद बिल्डिंग,
 चैल्टनी रोड,
 कैलीकट-673 001

2. विजया बैंक
 पी०ओ० चिपार,
 उप्पला से होकर,
 बयार मुलिगढ़-671 322,
 कासरगोड ।

3. विजया बैंक
 पी०बी०सं० 6, ब्लॉक सं० 7,
 फोर्ट रोड,
 काण्णर-670 001
 केरल ।

4. विजया बैंक
 पी०बी०सं० 507,
 इन्डस एवेन्यू बिल्डिंग,
 फैसिस रोड जंक्शन,
 चलपुरम,
 कैलीकट-673 002,
 कैलीकट जिला

5. विजया बैंक
 चट्टांचल-671 541,
 पी०ओ० तेकिल,
 कासरगोड जिला ।

6. विजया बैंक
 पी०बी० सं० 1,
 पश्चा बिल्डिंग,
 VII, 16 ई, पहली मंजिल,
 मेहन रोड, कलापूर-673 121,
 वैनाड जिला ।

7. विजया बैंक
 पद्मावति बिल्डिंग
 विवेकानन्दा सर्कल के पास,
 कुम्भला-670 321
 कासरगोड जिला

8. विजया बैंक
 मशकूर बिल्डिंग,
 माही ब्रिज के पास,
 कल्लाई न्यू माही-673 311
 कप्पर जिला ।

9. विजया बैंक
 पी०बी०सं० 6,
 प्रमोद बिल्डिंग,
 चैल्टनी रोड,
 कैलीकट-673 001

10. विजया बैंक
 पी०बी०सं० 5,
 पहली मंजिल,
 ब्रदर्स शॉपिंग कॉम्प्लेक्स,
 कैसास यियेटर के सामने,
 कांगचाड-671 315
 कासरगोड जिला

11. विजया बैंक,
 पी०बी०सं० 1,
 मेहन रोड,
 कोडोटी-673 638,
 मलापुरम जिला ।

12. विजया बैंक
 3/549-के, श्रीलक्ष्मी कांप्लेक्स,
 वैनाड रोड, ईस्ट नडकाव,
 कैलीकट-673 011

13. विजया बैंक
 पी०बी०सं० 16,
 कलाकट्टा बिल्डिंग,
 रेसवे स्टेशन रोड,
 कासरगोड-671 121
 कासरगोड जिला ।

14. विजया बैंक
 पी०बी०सं० 1,
 फजी श बिल्डिंग ,

गवर्नरमेंट अस्पताल के पास,
टी०सी० रोड,
कुन्तपरबा-670 643,
कण्णूर जिला ।

15. विजया बैंक
नेशनल हैंडे,
झड़काड़-670 663,
कण्णूर जिला ।

16. विजया बैंक
पैलेस रोड,
कोट्टकल-676 503,
मलापुरम जिला ।

17. विजया बैंक
पी०बी०सं० 4,
मेहन रोड,
मलापुरम-676 505

18. विजया बैंक
पी०बी०सं० 7,
पहली मंजिल,
कैलास बिल्डिंग, कोर्ट रोड,
मंजेरी-676 121,
मलापुरम जिला ।

19. विजया बैंक
पी०बी०सं० 2,
मेहन रोड,
पोक्कानी-679 577,
सलापुरम जिला
केरल

20. विजया बैंक
पी०बी०सं० 39,
न्यू सबका बिल्डिंग,
तापेपालम,
तिरु-676 101,
मलापुरम जिला

21. विजया बैंक
ग्रहकथला-पनाडे रोड,
काटू कुक्के-671 552,
पेरला से होकर,
कासरगोड जिला ।

22. विजया बैंक
देसी कूड़ण शार्पिंग सेंटर,
आर०एस०सं 272/3,
नारायण नगर,
बडगरा-673 101

23. विजया बैंक
पंजायत कर्मशाला कांप्लेक्स,
रेलवे स्टेशन के पास,
उद्यावर, मंजेश्वर-671 323,
कासरगोड जिला

24. विजया बैंक
6/795, न्यू बस स्टैण्ड कम शार्पिंग
कांप्लेक्स बिल्डिंग,
मेहन रोड,
कोयिलांडी-673 305,
केरल

25. विजया बैंक
पी०बी०सं० 3,
रेलवे स्टेशन के सामने,
त्रिकर्पुर-671 310
कासरगोड जिला

26. विजया बैंक
आर०एस०सं० 536/50,
मडिके-चालनकड़वा,
पोस्ट मडिके-671 314,
(नीलेश्वर से होकर), होसदुर्गा,
कासरगोड जिला,
केरल

27. विजया बैंक
नेहुमपुरमचाल,
पी०ओ० पसाकुट्टि-570 850,
चिट्टारिपरंब से होकर,
कण्णूर जिला ।

28. विजया बैंक
पी०बी०सं० 14,
मेहन रोड,
पथ्यमूर-670 307
कण्णूर जिला ।

29. विजया बैंक
पी०बी०सं० 111,
17, नेशनल हैंडे,
तलिपरंबा-670 141,
कण्णूर जिला ।

30. विजया बैंक
मुलिजे गांव,
उप्पला पी०ओ०-671 322,
कासरगोड जिला ।

31. विजया बैंक
सं० 5/289
तूता-679 357
आनामंगाड से होकर,
मलापुरम जिला

32. विजया बैंक
कालिकामरम-671 314,
नीलेश्वर से होकर,
पोस्ट करिङ्गलम,
कासरगोड जिला

33. विजया बैंक
पी०बी०सं० 9,
सेंट्रल बाजार,
ई०के०के० बिल्डिंग
पेरितलमन्ना-679 322,
मलापुरम जिला

34. विजया बैंक
पी०बी०सं० 51,
जुबिली पार्पिंग कांप्लेक्स,
अस्पताल रोड,
तलम्पेरी-670 101,
कण्णूर जिला

35. विजया बैंक
डोर सं० एमपी०, ix/340,
कैलीकत-उटी रोड,
मेप्पाडि-673 577
वैनाडि जिला ।

36. विजया बैंक
मेहन रोड,
कारप्परंथा,
कोर्पिकोड-673 010

37. विजया बैंक
बर्दिण्डका-671 551,
कासरगोड जिला

38. विजया बैंक
पूना-बेंगलूर रोड,
बंकापुर चौक,
पुराना हुड्ली,
हुड्ली-580 024

39. विजया बैंक
एनके काम्प्लेक्स
केशवपुरा,
हुड्ली-580023
“बू” थेव

40. विजया बैंक
पी०बी०सं० 42,
सं० 1828, सुन्दर काम्प्लेक्स,
धूलियां-424 001
महाराष्ट्र ।

41. विजया बैंक
252-सी, 28/3, प्रथम तल,
नस्ते काम्प्लेक्स, उद्योग भवन के सामने
एसंब्ली रोड, बस्त बहार टाकीस के पास
कोल्हापुर-416 001

1. सेन्ट्रल बैंक आफ इंडिया
गुमटाला शाखा,
अमृतसर, पंजाब ।

2. सेन्ट्रल बैंक आफ इंडिया,
पलासूर शाखा,
अमृतसर, पंजाब

3. सेन्ट्रल बैंक आफ इंडिया,
तरनतारन शाखा,
अमृतसर, पंजाब ।

4. सेन्ट्रल बैंक आफ इंडिया,
भगतानवाला गेट,
अमृतसर शाखा,
अमृतसर, पंजाब ।

5. सेन्ट्रल बैंक आफ इंडिया
गुरु बाजार, अमृतसर शाखा-
अमृतसर पंजाब ।

6. सेन्ट्रल बैंक आफ इंडिया,
देवानहाट शाखा,
कूच बिहार, पश्चिम बंगाल

7. सेन्ट्रल बैंक आफ इंडिया,
चांदमारी शाखा,
कूच बिहार, पश्चिम बंगाल

8. सेन्ट्रल बैंक आफ इंडिया,
आधिकारी प्रशिक्षण महाविद्यालय,
सालट लेक कलकत्ता,
पश्चिम बंगाल ।

राजभाषा नियम 10(4) के अंतर्गत अधिसूचित की जाने वाली शाखाओं की सूची

1. सिहिकेट बैंक,
मुम्बई बाटकोपर शाखा,
गार्डन ब्यू प्लाट सं० 55
बल्लभ बाग लेन, बाटकोपर पूर्व,
मुम्बई-400077

2. सिहिकेट बैंक,
मुम्बई कोलिवाडा शाखा,
225/227 ए, राम निवास कोलिवाडा,
सायन (पूर्व), मुम्बई-400022

3. सिडिकेट बैंक,
कर्मचारी प्राशंकण महाविद्यालय,
जगदीप काटेज, पहली मंजिल,
IV मार्क, खार (पश्चिम),
मुम्बई-400054

4. सिडिकेट बैंक,
उरण मोरा शाखा,
बंगला नं. 6976, उरण मोरा मार्ग,
उरण मोरा, रायगढ़, जिला,
महाराष्ट्र राज्य पिन कोड-400704

5. सिडिकेट बैंक,
पनवेल शाखा,
166, एम जी एच सोसायटी,
वी.वे. फाउंडेशन,
डा. पे.स. 134,
पनवेल,
रायगढ़ जिला, महाराष्ट्र राज्य, पिन कोड-410 206

6. सिडिकेट बैंक,
गोवा कावले शाखा,
टिप टोप मेंशन,
धावली, मार्गोदा रोड,
पोडा, गोवा, पिन कोड 463 401

7. सिडिकेट बैंक,
गोवा मुरगांव शाखा,
मुरगांव पोर्ट ट्रस्ट के नजदीक
मुरगांव हार्बर, गोवा-403 803

8. सिडिकेट बैंक,
गोवा बेतीम शाखा,
मुख्य मार्ग, बेतीम
बर्डिंग-गोवा पिन कोड 403 101

9. सिडिकेट बैंक,
गोवा सांखली शाखा,
मुख्य रास्ता, सांखली गोवा,
बिलाली तालुक, पिन कोड 403 505

10. सिडिकेट बैंक,
गोवा कुडचडे शाखा
पहली मंजिल, चर्च बिल्डिंग
स्टेशन रोड, डा. पे.स. 10,
कुडचडे-गोवा, पिन कोड-403 706

11. सिडिकेट बैंक,
गोवा करंजले शाखा,
करंजले, गोवा-403 002

12. सिडिकेट बैंक,
मालवण शाखा,
मकान नं. 381, सोमवारपेट,
मालवण, सिधुर्गे जिला,
महाराष्ट्र राज्य, पिन कोड-416 606

13. सिडिकेट बैंक
माविनकुवं शाखा,
नवदुर्गटेपल के नजदीक,
माविनकुवं, होशावर टारा,
उत्तर कन्नड जिला, कन्टिक 581 335

14. सिडिकेट बैंक,
गुडली शाखा,
मकान सं. 85, मुख्य मार्ग,
गुडली उत्तर कश्च जिला,
कन्टिक-581 329

15. सिडिकेट बैंक,
होशावर, शाखा,
वी 2365, बाजार रोड,
होशावर, उत्तर कश्च जिला,
कन्टिक-581 334

16. सिडिकेट बैंक,
अवसरी शाखा,
बुन्तदो बिल्डिंग,
मुख्य मार्ग, अवसरी
अंधोला ता. उत्तर कश्च जिला,
कन्टिक-581 316

17. सिडिकेट बैंक,
मंडी शाखा, मुपर बाजार,
मंडी, होशावर तालुक,
उत्तर कश्च जिला,
कन्टिक-581 348

18. सिडिकेट बैंक,
मैसूर सरस्वतीपुरम शाखा
मकान सं. 2951, 38ए,
5वां वास, 5वां मेन रोड
सरस्वतीपुरम, मैसूर-570 009

19. सिडिकेट बैंक,
मैसूर बाणी बिलास शाखा,
मकान मं. 2997/3,
सुवर्णन टेम्पल मार्ग,
बाणीबिलास मुहल्ला,
मैसूर-570 002

20. सिडिकेट बैंक,
मंडया मुगर टाउन शाखा,
1123, 1, मुख्य मार्ग,
ईस्टर्न विस्तार, डा.पे.स. 25,
मंडया 571 401

21. सिडिके ट बैंक,
कर्मचारी प्रशिक्षण महाविद्यालय,
4-4-286/297. द्विसरी मंजिल,
मिथिला कांस्ट्रक्शन, बैंक स्ट्रीट,
सुल्तान बाजार, शोटी,
हैदराबाद-500 195

22. सिडिके ट बैंक,
मैसूर बैंकिंग शाखा,
द्वार सं. 154, बैंकिंग मार्ग,
शेटल हाईट के नजदीक,
डा. प. सं. 1, मैसूर,
कर्नाटक, पिन कोड-570 015

23. सिडिके ट बैंक,
हासन शाखा, पहली मंजिल,
विहार भवन बिल्डिंग, बस स्टैंड रोड,
डा. प. सं. 25, हासन,
कर्नाटक, पिन कोड-573 201

24. सिडिके ट बैंक,
देंगलूर चामराजपेट शाखा,
रोयल सर्कल, डा. प. सं. 1915, चामराजपेट,
देंगलूर, पिन कोड-580 018

25. सिडिके ट बैंक,
ग्रगड़ी शाखा,
कनकारिया बिल्डिंग,
देक्सो बो इंडिया,
गोवा, पिन कोड-403 204
राजभाषा नियम 1976 के नियम 10(4) के
अंतर्गत प्रतिसूचना हेतु शाखाओं की सूची

1. आनंदा बैंक,
नंबर 1-90, मेन रोड,
उत्पाड कोल्लपल्ली शाखा,
पीटापुरम तालुका,
आनंद प्रदेश, पिन-533 447

2. आनंदा बैंक,
मेन रोड, राजादोमंगी शाखा,
पूर्वी गोदावरी, जिला
आनंद प्रदेश, पिन-533 436

3. आनंदा बैंक,
जी टी रोड, अशवरम शाखा,
पूर्वी गोदावरी जिला,
आनंद प्रदेश, पिन-533 406

4. आनंदा बैंक,
आर टी सी कांस्ट्रक्शन के सामने,
महालक्ष्मी भवन, रायवरम शाखा,
पूर्वी गोदावरी जिला,
आनंद प्रदेश, पिन-533 346

5. आनंदा बैंक,
टेको शाखा,
कपिलेश्वरपुरम मंडल,
पूर्वी गोदावरी जिला
आनंद प्रदेश, पिन-533 312

6. आनंदा बैंक,
मेन रोड, इंजाराम शाखा
ताल्लरेशु मंडल,
पूर्वी गोदावरी जिला,
आनंद प्रदेश, पिन-533 465

7. आनंदा बैंक,
क्षेत्रीय कार्यालय,
22, पी.बी. नंबर 1,
जी टी रोड,
श्रीकाकुलम-532 001

8. आनंदा बैंक,
विवेश लघु उद्योग शाखा,
12, 41, 1 गाजुवाका, विशाखापट्टनम,
आनंद प्रदेश, पिन-530 026

9. आनंदा बैंक,
विशेष कृषि वित्त शाखा,
18-1-28. पहली मंजिल,
महारानी मेट, विशाखापट्टनम,
आनंद प्रदेश, पिन-530 002

10. आनंदा बैंक,
एम बी पी कालनी शाखा,
विशाखापट्टनम,
आनंद प्रदेश, पिन-530 017

11. आनंदा बैंक,
शीशमहल थिएटर के सामने,
मेन रोड, गानुवाका शाखा,
विशाखापट्टनम,
आनंद प्रदेश, पिन 5300/26

12. आनंदा बैंक,
सेवा केन्द्र, सीतमाधारा,
विशाखापट्टनम
आनंद प्रदेश, पिन-530 013

13. आनंदा बैंक,
ट्रैक रोड, मल्कापुरम शाखा,
विशाखापट्टनम,
आनंद प्रदेश, पिन-530 011

14. आनंदा बैंक,
आर के बीच रोड,
आर. के. मीशन शाखा
विशाखापट्टनम,
आनंद प्रदेश,
पिन-530 011

15. आनंदा बैंक,
महाराष्ट्रायेट,
के. जी. एच. शाखा,
विशाखापट्टनम
आनंद प्रदेश पिन-530 002

16. आनंदा बैंक,
महाराष्ट्रायेट शाखा,
विशाखापट्टनम
आनंद प्रदेश पिन-530 002

17. आनंदा बैंक,
डी. एल. पुरम् शाखा,
ताल्सरेवु मंडल,
पूर्वी गोदावरी जिला,
आनंद प्रदेश पिन-533 465

18. आनंदा बैंक,
माकोडपुट्टी शाखा,
माकुवा मंडल,
विजयनगरम जिला,
आनंद प्रदेश पिन-533 547

19. आनंदा बैंक,
राविवालसा शाखा,
गलगुबिली मंडल,
विजयनगरम जिला,
आनंद प्रदेश पिन-532 525

20. आनंदा बैंक,
कोत श्रीरंगराजपुरम शाखा,
बाया गणपति नगरम,
विजयनगरम जिला,
आनंद प्रदेश पिन-535 270

21. आनंदा बैंक,
प्लाट नंबर 4
अक्कय्यापालेम शाखा
विशाखापट्टनम
आनंद प्रदेश पिन-530 016

MINISTRY OF FINANCE

(Department of Economic Affairs)
(Banking Division)

New Delhi, the 28th October, 1997

S.O. 1945.—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976, the Central Government, hereby, notifies the listed offices/branches of the following banks in the attached annexure, more than 80% of the staff whereof have acquired the working knowledge of Hindi :

S. No.	Name of the Bank	No. of Offices/branches
1.	State Bank of India	161
2.	Vijaya Bank	041
3.	Central Bank of India	008
4.	Syndicate Bank	025
5.	Andhra Bank	021
	Total	256

[F. No. 11016/3/96-Hindi]
MATHURA PRASAD, Dy. Director (O.L.)

STATE BANK OF INDIA

1. Quila Branch.
2. Shahbazpur Branch
3. Nekpur Branch
4. Rasauli—Nizampur (Budaun) Branch
5. Labhari Branch
6. Reonai Branch
7. Lakhnupur Branch
8. Ekta Nagar Branch
9. Ratanpurkala Branch
10. Noorpur Branch
11. Dhaniyakote Branch
12. Ind. Estate Alipur Branch
13. Sisaia Khera Branch
14. Dhauladevi Branch
15. Chhalnichhina Branch
16. Paisiya Branch
17. Gagrigaoal Branch
18. Chilianaulla Branch
19. Barakote Branch
20. Kapkote Branch
21. Manan Branch
22. Rampur Branch
23. Kafra Branch
24. Dangoli Branch
25. Ghinghar Tola Branch
26. Rawai Khal Branch
27. Dhayari Branch
28. Jakh Branch
29. Charma Branch
30. Raiagar Branch
31. Gunji Branch
32. Ghorpatta Branch
33. Badawe Branch
34. Dasaitha Branch
35. Bangapani Branch
36. Kande Kiroli Branch
37. Suraj Kund Branch
38. Rakhat Branch
39. Malaon Branch
40. Budhiabari Branch
41. Tekwar Branch

42. Bokta Branch	99. I.O.C. Kanpur Branch
43. Jaswal Branch	100. Sherpur Branch
44. Mahadeva Bazar Branch	101. Dabauli Branch
45. Khunwa Branch	102. Dadota Branch
46. Tilaura Branch	103. Laharpur Branch
47. Madanpur Branch	104. Lebedi Branch
48. Mahokawa Branch	105. Industrial Estate Barura Branch
49. Dindai Branch	106. Amlihipal Branch
50. Manrijot Branch	107. Kora Kanak Branch
51. Karounda Masina Branch	108. Garah Branch
52. Sophipur Branch	109. Narecha Branch
53. Sikari Bakharia Branch	110. Railway Station Kanpur Branch
54. Auretal Branch	111. Dhawakar Branch
55. Badhya Branch	112. Bakar Buzurg Branch
56. Pokharni Branch	113. H.A.L. Kanpur Branch
57. Agaya Branch	114. Basela Branch
58. Molnapur Branch	115. Bethar Branch
59. Puraina Branch	116. Hafizabad Branch
60. Dubaulia Chouraha Branch	117. Parenda Branch
61. Bhit Mishra Branch	118. Bandhur Khurd Branch
62. Chapileon Branch	119. Bhikharipur Patasi Branch
63. Bhadawal Branch	120. Service Branch Kanpur Branch
64. Mahuli Branch	121. IGFCC Jagdishpur Branch
65. Pakaddad Branch	122. Industrial Finance Branch
66. Utraon Branch	123. Overseas, Varanasi Branch
67. Chhivaiya Branch	124. Overseas, Kanpur Branch
68. Ismailpur Branch	125. Bhaptamau Branch
69. Mahuati Kalan Branch	126. Jail Road, Lucknow Branch
70. Tewaripur Branch	127. Vikramaditya Marg, Lucknow
71. Chogara Branch	128. Indira Nagar, Lucknow Branch
72. Kasaunder Branch	129. Gomti Nagar, Lucknow Branch
73. Karmapur Branch	130. Nanuti Branch
74. Mishrabazar Branch	131. Bani Branch
75. Arrah Branch	132. Saifabad Branch
76. Kolhua Branch	133. Lilepur Branch
77. Satharia Industrial Estate Branch	134. Kumbhi Aima Branch
78. Tewa Branch	135. Mangarh Branch
79. Bashahi Branch	136. Agai Branch
80. Bashahara Branch	137. Nandmehar Branch
81. Etwakelan Branch	138. Chandpur Branch
82. Akhori Shahpur Branch	139. Deewanganj Branch
83. Singhia Branch	140. Sasiapur Asniq Branch
84. Bhatesar Branch	141. Bhetara Branch
85. Lalpara Branch	142. Sonariyawan Branch
86. Birauli Branch	143. Rausagaon Branch
87. Mohammadpur Anetha Branch	144. Biswan Khurd Branch
88. Kedipur Branch	145. Kurwa Branch
89. Bhadak Chauraha Branch	146. Bhetar Branch
90. Cnilmabazar Branch	147. Belpur Branch
91. Cjaganj Branch	148. Sisamau (Gonda) Branch
92. Keshavpur Branch	149. Bisnunpur Branch
93. Indus. Area Khalikabad Branch	150. Sarai Khas Branch
94. Mundila Bazar Branch	151. Mangura Bazar Branch
95. Darhata Branch	152. Banghusi Branch
96. Narayanpur (Parasit. Mall) Branch	153. Nagaria Branch
97. Bagipur Branch	154. Jhakpur Branch
98. Tarkulwa Branch	155. Fatehpur Gazi Branch

156. Piperia Agru Branch
157. Pithremou Branch
158. Rampura Mishra Branch
159. Service Branch, Lucknow Branch
160. Kashi Vishwanath Temple Branch
161. Ambala City Branch, Ambala.

1. Vijaya Bank,
Region Office,
P. B. No. 53,
Parmod Building,
Cherutti Road,
Calicut—673 001.

2. Vijaya Bank,
P.O. Chippar,
Via Uppala,
Bayer Mulligadde—671 322,
Kasargod, Kerala.

3. Vijaya Bank,
P. B. No. 6, Block No. 7,
Fort Road, Kannur—670 001,
Kerala.

4. Vijaya Bank,
P.B. No. 507,
Indus Avenue Bldg.,
Francis Road Junct,
Challapuram, Calicut—673 002.
Calicut District, Kerala.

5. Vijaya Bank,
Chattanchal—670 541,
P.O. Thekkil,
Kasargod District, Kerala.

6. Vijaya Bank,
P.B. No. 1,
Padma Building,
VII 16E Main Road, 1st Floor,
Kalpetta—673 121,
Wynad District, Kerala.

7. Vijaya Bank,
Padmavathi Building,
Near Vivekananda Circle,
Kumbla—670 321,
Kasargod District, Kerala.

8. Vijaya Bank,
Mashkoor Building,
Near Mahe Bridge,
Kalai, New Mahe—673 331,
Kannur District, Kerala.

9. Vijaya Bank,
P.B. No. 6,
Parmod Building,
Cherutti Road,
Calicut—673 001, Kerala.

10. Vijaya Bank,
P.B. No. 5,
1st Floor,
Brothers Shopping Complex,
Opp. Kalish Theatre,
Kanchanbagh—671 315
Kasargod District, Kerala.

11. Vijaya Bank,
P.B. No. 1,
Main Road,
Kundothi—673 638,
Malapuram District, Kerala.

12. Vijaya Bank,
3/549-K, Srilakshmi Complex,
Wynad Road, East Nadikkav,
Calicut—673 001, Kerala.

13. Vijaya Bank,
P.B. No. 16,
Kalakatta Building,
Railway Station Rd.,
Kasargod—670 121,
Kasargod District, Kerala.

14. Vijaya Bank,
P.B. No. 1,
Fazeesh Building,
Near Govt. Hospital,
T. C. Road,
Kuthuparamba—670 643,
Kannur District, Kerala.

15. Vijaya Bank,
National Highway,
Edakkad—670 663,
Kannur District, Kerala.

16. Vijaya Bank,
Palace Road,
Kottakal—676 503,
Malapuram District, Kerala.

17. Vijaya Bank,
P.B. No. 4, Main Road,
Malapuram—676 505, Kerala.

18. Vijaya Bank,
P.B. No. 7,
1st Floor,
Kailas Building, Court Road,
Matjeri—676 121,
Malapuram District, Kerala.

19. Vijaya Bank,
P.B. No. 2,
Main Road,
Ponnani—679 577,
Malapuram District, Kerala.

20. Vijaya Bank,
P.B. No. 39,
New Subca Building,
Thazepam,
Tirur—676 101.
Malapuram District, Kerala.

21. Vijaya Bank,
Adkasthala, Panje Road,
Kattukukke—670 552.
Via Perla,
Kasargod District, Kerala.

22. Vijaya Bank,
Devi Krishna Shopping Centre,
R.S. No. 272/3, Narayan Nagar,
Badgara—673 101, Kerala.

23. Vijaya Bank,
Janachayath Commercial Complex,
Near Railway Station,
Udyavar, Manjeshwar—671 323,
Kasargod District, Kerala.

24. Vijaya Bank,
6/795, New Bus Stand cum Shopping
Complex Building, Main Road,
Quilandy—673 005, Kerala.

25. Vijaya Bank,
P.B. No. 3,
Opp. Railway Station,
Trikaripur—670 310,
Kasargod District, Kerala.

26. Vijaya Bank,
R.S. No. 536/50,
Madikai-Chalakadav,
Post-Madikai—670 314,
(Via Nilesawar),
Hosdurg Taluk, Kasrgod Distt. Kerala.

27. Vijaya Bank,
Nedumpuramchal,
P.O. Poola Kutty—670 650,
Via Chittariparamba,
Kannur District.

28. Vijaya Bank,
P.B. No. 14,
Main Road,
Payyanur—670 307,
Kannur District, Kerala.

29. Vijaya Bank,
P.B. No. 111,
17, National Highway,
Taliparamba—670 141,
Kannur District, Kerala.

30. Vijaya Bank,
Mulinje Village,
P.O. Uppala—670 322,
Kasrgod District, Kerala.

31. Vijaya Bank, No. 5/289,
Thoote—679 357,
Via Anamangad, Kerala.

32. Vijaya Bank,
Kalichamaram—670 314,
Via Nilesawar,
Post Kari da'm,
Kasargod District, Kerala.

33. Vijaya Bank,
P.B. No. 9,
Contral Bazar,
E.K.K. Building,
Perintalmanna—679 322,
Malapuram District, Kerala.

34. Vijaya Bank,
P.B. No. 51,
Jubilee Shopping Complex,
Hospiral Road,
Tellichery—670 101,
Kannur District, Kerala.

35. Vijaya Bank,
Door No. MP/IX/340,
Calicut-Ooty Rd.,
Meppadi—673 577,
Wyanad District, Kerala..

36. Vijaya Bank,
Main Road, Karaparamba,
Kozhikod, Kerala—673 10.

37. Vijaya Bank,
Badiadka—671 551,
Kasargod District, Kerala.

38. Vijaya Bank,
Poona Bangalore Road,
Bankapur Chowk,
Old Hubli,
Hubli—580 024, Karnataka,

39. Vijaya Bank,
Enkay Complex, Keshavapura,
Hubli—580 023,
Karnataka.
'B' Region

40. Vijaya Bank,
P.B. No. 42,
No. 1828, Sunder Complex,
Dhulia—424 001.
Maharashtra.

41. Vijaya Bank,
252-C, 28/3, 1st Floor,
Nasthe Complex, Opp. Udyog Bhavan,
Assembly Road, Near Basant Bihar Talkies,
Kolhapur—416 001.
Maharashtra.

1. Central Bank of India,
Gumtala Branch,
Amritsar, Punjab
2. Central Bank of India,
Palasaur Branch,
Amritsar, Punjab
3. Central Bank of India,
Tarn Taran,
Amritsar, Punjab.
4. Central Bank of India,
Bhagtanwala Gate, Amritsar Branch,
Amritsar, Punjab.
5. Central Bank of India,
Guru Bazar, Amritsar Branch.
Amritsar, Punjab.
6. Central Bank of India,
Dewanhat Branch,
Cooch Behar, West Bengal,
7. Central Bank of India,
Chandamari Branch. Cooch Vihar
West Bengal.
8. Central Bank of India,
Officer's Training College.
Salt Lake, West Bengal,
Calcutta.
5. Syndicate Bank,
Panvel Branch
166, M.G.H. Society, V.B. Phadke Road,
P.B. No. 134, Panvel, Raigad Distt.
Maharastra, State.
Pin Code-410206.
6. Syndicate Bank,
Goa Kavlem Branch,
Tip Top Mansion,
Dhavli Margoa Road.
Ponda,
Goa-403 401,
7. Syndicate Bank
Goa Murmugao Branch,
Near Marmugao Port Trust,
Mormugao Harbour,
Goa-403 803,
8. Syndicate Bank,
Goa Betim Branch,
Main Road Betim
Bardez — Goa
Goa-403 101
9. Syndicate Bank,
Goa Sanquilim Branch.
Main Road
Sanquilim Goa,
Bicholim Tq.
Pin Code-403 505.
10. Syndicate Bank,
Goa Curchorem Branch,
Ist Floor Church Building
Station Road, P.B.N 10,
Curchorem Goa,
Pin-403 706.
11. Syndicate Bank,
Goa Caranzalem Branch,
Caranzalem, Goa.
Pin-403 002.
12. Syndicate Bank,
Malvan Branch, House No. 381,
Somvarpeth Malvan,
Sindhudurg Distt.
Maharastra State,
Pin -416 606.
13. Syndicate Bank,
Mavinkurva Branch,
Near Navadurgi Temple.
Mavinkurve,
Via Honnavar,
Uttar Kannada Distt.
Karnataka-581 335.

List of Branches to be notified under Rule 10(4) of
Official Language Rules, 1976.

1. Syndicate Bank,
Mumbai Ghatk opar Branch,
Garc'on View, Plot No. 55
Vallabh Bagh Lane,
Ghatkopar East,
Mumbai-400 077.
2. Syndicate Bank,
Mumbai Kolivada Branch,
226/227 A, Ram Nivas,
Kolivada Sion (East),
Mumbai-400022.
3. Syndicate Bank,
Staff Tarianing College,
Jagdeep Cottage,
Ist Floor IV Road, Khar (West).
Mumbai-400 054.
4. Syndicate Bank,
Uran Mora Branch,
Bungalow No. 6976,
Uran Mora Road, Uran Mora,
Raigad Distt.
Maharastra State.
Pin 401 111 701
1. Syndicate Bank,
Mavinkurva Branch,
Near Navadurgi Temple.
Mavinkurve,
Via Honnavar,
Uttar Kannada Distt.
Karnataka-581 335.

14. Syndicate Bank,
Gundalli Branch,
House No. 85, Main Road,
Gundalli, Uttara Kannada Dist.
Karnataka—581 329.

15. Syndicate Bank,
Honnavar Branch,
B 2365 Bazar Road, Honnavar,
Uttara Kannada Dist.
Karnataka—581 334.

16. Syndicate Bank,
Aversa Branch,
Gutino Building, Main Road,
Aversa, Ankola Tq, Uttar Kannada
Dist. Karnataka—581 316.

17. Syndicate Bank.
Manki Branch,
Super Bazar, Manki,
Honnavaara Tq.
Uttara Kannada Dist.
Karnataka—581 348.

18. Syndicate Bank,
Mysore Saraswathipuram Branch
D. No. 2961/38A
5th Cross, 5th Main Road,
Saraswathipuram,
Mysore—570 009.

19. Syndicate Bank,
Mysore Vanivilas Branch.
D. No. 2997/3
Sudarshan Temple Road,
Vanivilas Mohalla,
Mysore—570 002.

20. Syndicate Bank,
Mandyā Sugar Town Branch,
1123, 1st Main Road,
Eastern Extn. P.B.No. 25,
Mandyā—571 401.

21. Syndicate Bank,
Staff Training College,
4—4—286/297, 2nd Floor,
Mithila Complex,
Bank Street, Sultan Bazar, Kothi,
Hyderabad—500 195.

22. Syndicate Bank,
Mysore Bannimantap Branch,
D. No. 154, Bannimantap Road,
Near Hotel Highway, P.B.No. 1.
Mysore, Karnataka,
Pin Code-570 015.

23. Syndicate Bank,
Hassan Branch,
1st Floor, Vidya Bhavan Building,
Bus Stand Road,
P.B.No. 25 Hassan,
Karnataka State,
Pin Code - 573 201.

24. Syndicate Bank,
Bangalore Chamrajpet Branch,
Royan Circle,
P.B. No. 1815,
Chamrajpet,
Bangalore - 560 018.

25. Syndicate Bank,
Agaciam Branch,
Confraria Building,
Baixi Do Igreja,
Goa - 403 204.

List of Branches to be notified Rule 10(4)
of Official Language Rules 1976

1. Andhra Bank
No. 1-90, Main Road,
Uppada Kothapalli Branch,
Pithapuram Taluq
Andhra Pradesh,
Pin-533447
2. Andhra Bank,
Main Road,
Rajavommangi Branch,
East Godavari Dist.
Andhra Pradesh,
Pin-533436
3. Andhra Bank,
G. T. Road,
Annavaram Branch,
East Godavari Dist.
Andhra Pradesh,
Pin-533406.
4. Andhra Bank,
Opp. to RTC Complex,
Mahalaxmi Bhavan,
Rayavaram Branch,
East Godavari Dist.
Andhra Pradesh,
Pin-533346.
5. Andhra Bank,
Teki Branch,
Kapileshwarpuram Mandal,
East Godavari Dist.
Andhra Pradesh,
Pin-533312.

6. Adabira Bank,
Main Road,
In jaram 1 ranch,
Tallarevi Mandal,
East Godavari Dist,
Andhra Pradesh,
Pin-533465.

7. Andhra Bank,
Regional Office,
220, P. B. No. 1,
G. T. Road,
Srikakulam 532001.

8. Andhra Bank,
Special SSI Branch,
12-41-1, Gajuvaka,
Vishakhapatnam,
Andhra Pradesh,
Pin-530026.

9. Andhra Branch,
Special Agrl. Fin. Branch,
18-1-28, 1st Floor,
Maharanipet,
Vishakhapatnam,
Andhra Pradesh,
Pin-530002.

10. Andhra Bank,
M. V. P. Colony Branch.
Vishakhapatnam,
Andhra Pradesh,
Pin-530017.

11. Andhra Bank,
Opp. to Sheeshmahal Theatre,
Main Road,
Ganuvaka Branch,
Vishakhapatnam,
Andhra Pradesh,
Pin-530026.

12. Andhra Bank,
Service Centre,
Seethammadhara,
Vishakhapatnam,
Andhra Pradesh,
Pin-530011.

13. Andhra Bank,
Trunk Road,
Malkapuram Branch,
Vishakhapatnam,
Andhra Pradesh,
Pin-530011.

14. Andhra Bank,
R. K. Beach Road,
R. K. Mission Branch,
Vishakhapatnam,

Andhra Pradesh,
Pin-530011.

15. Andhra Bank,
Maharanipet,
K. G. H. Branch,
Vishakhapatnam,
Andhra Pradesh,
Pin-530002.

16. Andhra Bank,
Maharanipet Branch,
Vishakhapatnam,
Andhra Pradesh,
Pin-530002.

17. Andhra Bank,
D. L. Puram Branch,
Tallarevu Mandal,
East Godavari Dist.
Andhra Pradesh,
Pin-533465.

18. Andhra Bank,
Markondputti Branch,
Makuva Mandal,
Vijayanagram Dist,
Andhra Pradesh,
Pin-533547.

19. Andhra Bank,
Ravivalasa Branch,
Garugubilli Mandal,
Vijayanagaram Dist,
Andhra Pradesh,
Pin-532525.

20. Andhra Bank,
Kotah Srirangarajpuram Branch,
Via Gajapathi Nagram,
Vijayanagram Dist,
Andhra Pradesh,
Pin-535270.

21. Andhra Bank,
Plot No. 4,
Akkayyapalem Branch,
Vishakhapatnam,
Andhra Pradesh,
Pin-530016.

(द्वितीय प्राप्ति)

नई प्रिलिय 12 नवम्बर, 1997

कांशा 2946-द्वितीय प्राप्ति अविनियम, 1938 (1938
का 4) की द्वारा 27(४) दिनांक ११ (१) के बंड (४)
द्वारा प्रदत्त शक्तियों वा प्रयोग करते हुए, केवोय तरकार
एसके द्वारा डिम्बार्ट एल फ इनेस हाउस ऑफ इंडिया लि।

(डीएफएचआई) द्वाया सिक्यूरिटीज द्रेडिंग कॉर्पोरेशन आ० १७८८/८८/लि० (एस डी री आ० १८८) में हुण्डियों को एुवारा भुतने की स्वीम आविध के अन्तर्भूत मांग/सूचना जमा, बाणिज्यिक हुण्डियों परसे विभिन्न पूँजी बाजार साधनों में उत्त प्रारा के प्रदोजनार्थ अधिसूचित निवेश के रूप में निविदियों के नियोजन यी घोषणा करती है।

[पाइल नं० 131 (40)/निं० /IV/88]
राजेन्द्र प्रसाद, व्यवर सचिव

(Insurance Division)

New Delhi, the 12th November, 1997

S.O. 2946.—In exercise of the powers conferred by clause (q) of sub-section (1) of Section 27(A) of the Insurance Act, 1938 (4 of 1938), the Central Government hereby declares placement of funds in various money market instruments like Call/Notice Deposits, Commercial Bills under Bills Rediscounting Scheme, etc. with Discount and Finance House of India Ltd. (DFHI) and Securities Trading Corporation of India Ltd. (STCI) as Scheduled Investment for the purpose of the said section.

[F. No. 131(40)]/Invt./IV/88
RAJENDRA PRASAD, Under Secy.

बाणिज्य मंत्रालय

आदेश

नई दिल्ली, 3 नवम्बर, 1997

का०आ० 2947.—भारत के नियर्त व्यापार के विकास के लिए पशु केसिस के नियर्त से पूर्व क्वालिटी नियंत्रण और निरीक्षण के अध्यधीन रहते हुए बनाये गए कानिय प्रस्ताव नियर्त (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1964 के नियम 11 के उपनियम (2) की अपेक्षानुसार भारत सरकार के बाणिज्य मंत्रालय के आदेश सं० का०आ० 132(अ) तारीख 21 फरवरी, 1997 द्वारा राजपत्र असाधारण भाग-2, खंड 3, उपर्युक्त (ii) तारीख 21 फरवरी, 1997 में प्रकाशित किए गए थे।

और उन सभी व्यक्तियों से जिनके इनसे प्रभावित होने की संभावना थी, उक्त अदेश के राजपत्र में प्रकाशन में पैतालीस दिन के भीतर अक्षेप और सुझाव आवंत्स किए गए थे।

और उक्त राजपत्र की प्रतियां जनता को 21 फरवरी, 1997 को उपलब्ध करा दी गयी थी।

और उक्त प्राप्ति पर जनता ने प्रत्येक आदेशों और सुझावों पर केन्द्रीय सरकार ने विचार कर लिया है।

और मानकों की उच्च क्वालिटी बनाए रखने के लिए यह आवश्यक है कि वह आयातकर्ता देशों के स्वास्थ्य संबंधी अपेक्षाओं के अनुसार होंगी जैसी कि वे यूरोपियन समुदाय के तारीख 18-3-94 के एकीकृत निर्देश सं० 94/187/ईमो और तारीख 17-12-92 के एकीकृत निर्देश सं० 92/118/ईमी में दी गयी हैं।

अतः भारत सरकार नियर्त (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और पशु केसिस से संबंधित बाणिज्य मंत्रालय की अधिसूचना सं० का०आ० 2283 तारीख 24 अगस्त, 1994 का अधिक्रमण करते हुए भारत के सुदृढ़ नियर्त व्यापार के विकास के लिए नियर्त निरीक्षण परिषद से परामर्श के पश्चात् उसकी यह राय होने पर कि ऐसा करना आवश्यक और सभीचीन है:

- (1) पशु केसिस का नियर्त से पूर्व क्वालिटी नियंत्रण और निरीक्षण किया जाएगा।
- (2) क्वालिटी नियंत्रण का प्रकार पशु केसिस के नियर्त (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1997 के अनुसार पशु केसिस के नियर्त से पूर्व अधिसूचना में वर्णित क्वालिटी नियंत्रण और निरीक्षण का प्रकार लागू होगा।
- (3) निम्नलिखित को मान्यता देना:
 - (क) राष्ट्रीय और अंतर्राष्ट्रीय मानकों और नियर्त निरीक्षण परिषद द्वारा मान्यता-प्राप्त अन्य निकायों के मानकों को,

या

(ख) श्रेणी पदनाम पशु केसिस श्रेणीकरण और विषयन नियम, 1964 के अधीन बनाए गए हों,

या

(ग) नियर्तकर्ता द्वारा धोषित और श्रेता तथा विश्रेता के मध्य हुए नियर्त सर्विदा के अनुसार हों।

- (4) पशु केसिस के ऐसे अंतर्राष्ट्रीय व्यापार को प्रतिवृद्धि करना जिसके साथ नियर्त (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 के अधीन स्थापित या मान्यता प्राप्त अभिकरणों द्वारा निरीक्षण का प्रमाण पत्र जारी न किया गया हो।

इस आदेश की कोई भी बात भावी श्रेताओं को पशु केसिस के ऐसे वास्तविक नमूनों के भूमि या समुद्र या वायु मां द्वारा नियर्त पर लगू नहीं होनी जिनका भूल्य समय-समय पर नीति तथा अधिकांश अनुशेष सीमाओं से अधिक नहीं होगा जहाँ ऐसा प्रावधान नहीं है वहाँ निःशुल्क नमूनों की सीमा 1000/-प्रपा से अधिक नहीं होगी।

इस आदेश में पशु केसिंग्स से अधिनियम स्वस्थ पशुओं के बध जो कि प्राधिकृत वधशाला में संसाधित किया जाता है

[फाइल सं 6/1/96-ईआई एप्प ईपी]

प्रभ दास, निदेशक

MINISTRY OF COMMERCE
ORDER.

New Delhi, the 3rd November, 1997

S.O. 2947.—Whereas for the development of the export trade of India, certain proposals for subjecting Animal Casings to qualify Control and Inspection prior to export, were published as required by sub-rule (2) of rule 11 of the Export Quality Control and Inspection Rules, 1964, in the Gazette of India, Extraordinary Part II, Section 3, Sub-section (ii), dated the 21st February, 1997 under the Order of the Government of India in the Ministry of Commerce Number S.O. 132(E), dated the 21st February, 1997;

And whereas the objections and suggestions were invited from all persons likely to be affected thereby, within a period of forty five days of the publication of the said order in the Official Gazette;

And whereas the copies of the said Gazette were made available to the public on the 21st February, 1997.

And whereas the objections and suggestions received from the public on the said draft have been considered by the Central Government;

And whereas it is necessary to maintain the highest quality standard as per the health requirement of the importing countries that would encompass the standards like unified Directives Number 92/118/EEC, dated the 17th December, 1992 and 94/187/EEC dated the 18th March, 1994 of the European Community.

Now, therefore, in exercise of the powers conferred by Section 6 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), and in supersession of the notification of the Government of India, in the Ministry of Commerce Number S.O. 2283 dated the 24th August, 1994 relating to Animal Casings, except as respects things done or omitted to be done before such supersession, the Government of India after consulting the Export Inspection Council being of the opinion that it is necessary and expedient to do so for the development of the export trade of India, hereby;

- (1) notifies that Animal Casings shall be subject to quality control and inspection prior to export;
- (2) specifies that the type of quality control and inspection shall be in accordance with the export of Animal Casings (Quality Control and Inspection) Rules 1997 as the type of Quality Control and Inspection which shall be applied to such Animal Casings prior to export, in the notification;
- (3) recognises the specifications;

(a) National and International Standards and Standards of other bodies recognised by Export Inspection Council;

OR

(b) Grade designation formulated under the Animal Casings Grading and Marking Rules, 1964;

OR

(c) The specifications declared by the exporter to be the agreed specifications of the export contract between buyer and the exporter.

(4) Prohibits the export, in the course of international trade of Animal Casings unless it conforms to the standards specifications applicable to it, and is accompanied by a certificate of inspection issued by any of the Agencies established or recognised under Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

Nothing in this order shall apply to the export by land or sea or air of bona fide samples of animal casings to prospective buyers, the values of which shall not exceed permissible limits as laid down in Exim-Policy from time to time. Where no such provision exist the value limit of sample(s) shall not exceed Rs. 1,000.

In this order, Animal Casings means processed intestines of a healthy animal slaughtered in an authorised slaughter house.

[File No. 6/1/96-EI&EP]
PRABH DAS, Director

नई दिल्ली, 3 नवम्बर, 1997

का०आ० 2948.—केन्द्रीय सरकार, नियंति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 17 द्वारा प्रदत्त शास्त्रीयों का प्रयोग करते हुए, पशु केसिंग्स के (क्वालिटी नियंत्रण और निरीक्षण) से संबंधित नियम, 1994 की अधिसूचना संख्या का०आ० 2284 तारीख 24 अगस्त, 1994 को अधिकान्त करते हुए सिवाय उन बातों के जो ऐसे अधिक्रमण से पूर्व की गयी हैं या जिनका लोप किया गया है, निम्नलिखित नियम बनाती है, अर्थात् :—

1. संक्षिप्त नाम और प्रारम्भ :

- (1) इन नियमों का संक्षेप स्तर नाम पशु केसिंग्स का नियंति (क्वालिटी नियंत्रण और निरीक्षण) नियम, 1997 होगा।
- (2) ये राजपत्र में प्रकाशन की तारीख से प्रवृत्त होंगे।

भाग-I

यूरोपियन समुदाय (ईयू) तथा अन्य देशों को नियंति के मामले में लागू, जो यह मांग करते हैं कि पशु केसिंग्स को निम्नलिखित आवश्यकताओं का पालन करना चाहिए।

2. परिभाषा :

इस भाग में जब तक कि संदर्भ से अन्यथा अवेक्षित न हो, निम्नलिखित परिभाषाएं लागू होंगी:

- (क) "अधिनियम" से नियंति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अधिक्रेत है,
- (क) "अधिकरण" से अधिनियम की धारा 7 के अंतर्गत केन्द्रीय सरकार द्वारा स्थापित या मान्यता प्राप्त कोई भी नियंति निरीक्षण अधिकरण या भारत सरकार के द्वारा विपणन सलाहकार या उनकी ओर से इस संबंध में निरीक्षण के लिए प्राधिकृत कोई भी अधिकारी अधिक्रेत है।

(a) "पशु" से निम्नलिखित में से किसी भी प्रकार का पशुधन अभिवेत है, अर्थात्:—

1. पशु
2. भैंस
3. भेड़
4. बकरी तथा
5. सूअर

(b) "पशु केसिंग" से प्राधिकृत वधशाला में वध किए गए स्वास्थ्य पशु की प्रसंस्कृत अंतडियां अभिवेत हैं जिनको केसिंग भी कहा जा सकता है।

(c) "कृषि और प्रसंस्कृत खाद्य उत्पाद नियंति विकास प्राधिकरण" से कृषि और प्रसंस्कृत खाद्य उत्पाद नियंति विकास प्राधिकरण अधिनियम, 1985 के अधीन स्थापित कृषि और प्रसंस्कृत खाद्य उत्पाद नियंति विकास प्राधिकरण अभिवेत है।

(d) "परिषद" से अधिनियम की धारा 3 के अधीन स्थापित नियंति निरीक्षण परिषद अभिवेत है।

(e) "सक्षम प्राधिकारी" से अधिनियम की धारा 7 के अधीन मान्यता प्राप्त भारत सरकार के ग्रामीण क्षेत्र और रोजगार मंत्रालय प्रामीण विकास विभाग का विषयन और निरीक्षण निदेशालय (डीएमआई) अभिवेत है।

(f) "अंतडियों" से पशु की छोटी तथा बड़ी आंते या असिका या ग्रासनली या श्वास नली या पेशाब की थेली अभिवेत है।

(g) "प्रसंस्कृत अंतडियों" से पशु की साफ की हुई, छुरची हुई तथा 30 दिनों तक सोडियम क्लोराइड नमक में लगाई गयी या विरंजित की हुई या खुरचने के बाद सुखाई गयी अंतडियां अभिवेत हैं।

(h) "वध करने" से किसी प्राधिकृत वधशाला या बूचड़खाने में खाने के लिए पशु को मारना अभिवेत है जिसमें ऐसा मानवीय तरीका अपनाया जाता है जो कि पशुओं के प्रति नुकसान निवारण अधिनियम, 1960 (1960 का 54) के उपबंधों के अनुसार हो जहां पशु की मृत पूर्व तथा मृत-पश्चात् जांच की जाती है।

(i) "वधशाला या बूचड़खाने" से ऐसे कोई परिसर अभिवेत हैं जो मानव खपत के लिए पशुओं का वध करने के लिए प्राधिकारी द्वारा प्राधिकृत हो।

3. अनुपालन का आधार:

नियंति के लिए आवधित पशु केसिंग की जांच यह देखने के उद्देश्य से की जाएगी कि उसका प्रसंस्करण पैकिंग तथा भंडारण अभिकरण द्वारा अनुमोदित एवं एपीडा द्वारा पंजीकृत संयंक्रों में किया गया है तथा उत्पाद प्रधिनियम

की धारा 6 के प्रधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुसूप है और परिषद द्वारा समय-समय पर जारी दिशा निर्देशों के अनुसार अभिकरण द्वारा प्रत्येक परेषण का नमूना लेकर इसकी जांच की जाएगी है।

4. नियंति के लिए पशु केसिंग निम्नांकित गतों के प्रधीन होगा:

4.1 उपांचंद-1 के अनुसार केसिंग को इकट्ठा करने तथा परिवहत की आवश्यकताओं का निश्चित रूप से पालन करना होगा।

4.2 उपांचंद-2 के अनुसार उन्हें प्रसंस्करण संयंक्र की आवश्यकताओं को निश्चित रूप से पूरा करना होगा।

5. उपांचंद jiii और iv के अनुसार उन्हें क्रमशः पशु केसिंग प्रसंस्करण संयंक्र के रजिस्ट्रीकरण तथा पशु केसिंग के प्रमाणन की प्रक्रिया का पालन करना ही होगा।

6. पशु का स्वास्थ्य प्रमाणपत्र जारी करना:

आवेदन प्राप्त होने पर, अभिकरण उपरोक्त निर्दिष्ट किए गए निरीक्षण के प्राधार पर अपना यह समाधान करने के पश्चात् कि पशु केसिंग का परेषण के प्रसंस्करण और पैकिंग इस पर लागू विनिर्देश के अनुसार की जाएगी है। अनुसूची vii में दिए गए प्रश्न में पशु स्वास्थ्य प्रमाण पत्र जारी करेगा। उक्त पर्यवेक्षण, निरीक्षण और इन नियमों का पालन सुनिश्चित करना अभिकरण के लिए बैद्य होगा।

जहां अभिकरण का समाधान नहीं होता है वहां वह पशु स्वास्थ्य प्रमाण पत्र जारी करने से इंकार कर देगा। परेषण की जांच के ठीक पश्चात् ऐसे इंकार की सूचना उसके कारणों सहित नियंतिको तुरन्त भेज दी जाएगी।

पशु स्वास्थ्य प्रमाण पत्र के सूचे केसिंग के मामले में नब्बे दिनों की अधिकतम अवधि के लिए यह नमक लगाए हुए पशु केसिंग के मामले में पैतालीस दिनों के लिए या उस अवधि के लिए आयातक द्वारा विहित की जाए जो भी कम हो दैद्य होगा।

यदि उस परेषण का पोत लदान प्रमाणपत्र की विधि-मान्यता आवधि के भीतर नहीं होता है तो नियंतिकर्ता को पुनः विवि मान्यकरण हेतु प्रमाणपत्र प्रस्तुत करने की अनुमति होगी। ऐसे मामलों में विवि मान्यता अवधि पशु के सूचे केसिंग के मामले में पैतालीस दिनों की अवधि के लिए या पशु के नमक लगाए गए केसिंग के मामले में पन्द्रह दिनों के लिए या आयातकर्ता द्वारा विहित अन्तिम पोत लदान की तारीख तक के लिए बढ़ाई जाएगी।

प्रमाण पत्र की दूसरी प्रति 500/-रु के भुगतान पर और यह धोषणा करने पर जारी की जाएगी कि प्रमाण पत्र खो गया था या फट गया था और यदि मूल प्रमाण पत्र मिल जाता है तो उसे लौटा दिया जाएगा। प्रमाण पत्र की दूसरी प्रति की विधिमान्यता बैसी ही होगी जो कि मूल प्रति की होती है।

8. निरीक्षण फीस :

निरीक्षण फीस प्रति बस हैंड के लिए 2.00 रुपए होगी जो कि स्थानीय निरीक्षण के मामलों में प्रति परेषण अधिकतम 500/- रुपए तथा स्टेशन के बाहर के निरीक्षण के मामलों में 1,000/- रुपए होगी तथा उसकी वसूली सक्रम प्राधिकरण द्वारा प्रसंस्करणकर्ता और या निर्यातकर्ता से की जाएगी ।

टिप्पणि : निर्यातकर्ता द्वारा प्रत्येक परेषण के लिए संदेश निरीक्षण फीस की रकम निकटतम रुपए तक पूर्णांकित की जाएगी और इस प्रयोजन के लिए जहां ऐसी रकम में रुपए का एक भाग सम्मिलित है, तब वहां ऐसा भाग पचास पैसा या ज्यादा है वहां तब उसे एक रुपए तक पूर्णांकित किया जाएगा और यदि वह भाग पचास पैसे से कम है तो उसे छोड़ दिया जाएगा ।

भाग-II

पशु केसिंगस के श्रेणीकरण और चिन्हांकन के संबंध में सभी देशों को किए जाने वाले नियंत्रित पर लागू ।

2. परिभाषा :

इस भाग में, जब तक कि संवर्द्ध से अन्यथा अपेक्षित न हो, निम्नांकित परिभाषाएं लागू होंगी :

(क) "अधिनियम" से नियंत्रित (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) अभिप्रेत है,

(ख) "अभिकरण" से अधिनियम की धारा 7 के अंतर्गत केन्द्रीय सरकार द्वारा स्थापित या मान्यता प्राप्त कोई भी नियंत्रित निरीक्षण अभिकरण या भारत सरकार के कृषि विषयन सलाहकार या उनकी ओर से इस संबंध में निरीक्षण के लिए प्राधिकृत कोई भी अधिकारी अभिप्रेत हैं ।

(ग) "पशु" से निम्नांकित में से किसी भी प्रकार का पशुधन अभिप्रेत है, अर्थात् :—

1. पशु
2. भैंस
3. भेड़
4. बकरी तथा
5. सूअर

(घ) "एनीमल केसिंग्स" से प्राधिकृत वधशाला में वध किए गए स्वस्थ पशु की प्रसंस्कृत अंतडियां अभिप्रेत हैं जिनको कि "केसिंग्स" भी कहा जा सकता है ।

(ङ) "कृषि और प्रसंस्कृत खाद्य उत्पाद नियंत्रित विकास प्राधिकार" से कृषि और प्रसंस्कृत खाद्य उत्पाद नियंत्रित विकास प्राधिकरण अधिनियम, 1985

के प्रधीन स्थापित कृषि और प्रसंस्कृत खाद्य उत्पाद नियंत्रित विकास प्राधिकरण अभिप्रेत है ।

(च) "परिषद" से अधिनियम की धारा 3 के प्रधीन स्थापित नियंत्रित निरीक्षण परिषद अभिप्रेत है ।

(छ) "अंतडियों" से पशु की छोटी तथा बड़ी आंतें या क्रसिका या ग्रासनली या श्वास नली या पेशाब की थेली अभिप्रेत है ।

(ज) "प्रसंस्कृत अंतडियों" से पशु की साफ की हुई, खुरची हुई तथा 30 दिनों तक सोडियम क्लो-राइड नमक में लगाई गयी या विरंजित की हुई या खुरचने के बाद सुखाई गयी अंतडियां अभिप्रेत हैं ।

(झ) "वध" करने से किसी प्राधिकृत वधशाला या बूचड़खाने में खाने के लिए पशु को मारना अभिप्रेत है जिसमें ऐसा मानवीय तरीका अपनाया जाता है जो कि पशुओं के प्रति कूरता निदारण अधिनियम, 1960 (1960 का 54) के उपबंधों के अनुसार हो जहां पशु की मृत-पूर्व तथा मृत-पश्चात् जांच की जाती है ।

(झ) "वधशाला या बूचड़खाने" से ऐसी कोई परिसर अभिप्रेत है जो मानव खपत के लिए पशुओं का वध करने के लिए प्राधिकारी द्वारा प्राधिकृत हो ।

3. निरीक्षण का आधार :

नियंत्रित के लिए प्राशियित पशु केसिंग्स की जांच यह देखने के उद्देश्य से की जाएगी कि उसका प्रसंस्करण, पैकिंग तथा भंडारण अभिकरण द्वारा मान्यता प्राप्त संयंत्रों में किया गया है तथा उत्पाद अधिनियम की धारा 6 के प्रधीन केन्द्रीय सरकार द्वारा मान्यता प्राप्त मानक विनिर्देशों के अनुरूप है और परिषद द्वारा समय-समय पर जारी विशा निर्देशों के अनुसार अभिकरण द्वारा प्रत्येक परेषण का नमूना लेकर इसकी जांच की गयी है ।

4. निरीक्षण की प्रक्रिया :

1. ऐसा कोई नियंत्रित को पशुओं की केसिंग्स का नियंत्रित करना चाहता है, निकटतम अभिकरण को या अभिकरण द्वारा इस निमित प्राधिकृत किसी अधिकारी को निरीक्षण के लिए आवेदन (दो प्रतियों में) प्रस्तुत करेगा, जिसमें नियंत्रित किए जाने वाले परेषण का विस्तृत विवरण देना होगा ।

2. उपनियम (1) के अधीन आवेदन निमानुसार प्रस्तुत किया जाएगा :

(क) जहां अभिकरण का कार्यालय है, उसी जगह पर स्थित परिसर में किए जाने वाले निरीक्षण के मामले में कम से कम दो दिन पहले, और

(ध) जहां अभिकरण का कार्यालय, यदि उस जगह से भिन्न अन्यत्र किसी परिसर में निरीक्षण किया जाना है तो आवेदन कम से कम बस दिन पहले प्रस्तुत करना होगा ।

3. उपनियम (2) में निर्दिष्ट आवेदन पत्र की प्राप्ति के पश्चात् वह अभिकरण निर्याति निरीक्षण परिषद द्वारा इस निमित्त समय-समय पर जारी किए गए दिशा निर्देशों के अनुसार पशु की केसिंग के परेषण का निरीक्षण करेगा, जिससे कि नियम 3 के अनुसार परेषण के श्रेष्ठीकरण और पैकिंग के बारे में उसका समाधान हो सके । अभिकरण ऐसा निरीक्षण कर सके इसके लिए निर्यातिकर्ता उसे सभी आवश्यक सुविधाएं उपलब्ध कराएगा ।

4. यदि जांच के पश्चात् अभिकरण का इस बात से समाधान हो गया कि निर्याति किए जाने वाले पशु की केसिंग का परेषण नियम 3 में निर्दिष्ट विनियोगों की अपेक्षाओं का पालन करता है, तो अभिकरण परेषण को निर्याति योग्य घोषित करते हुए, प्रमाण पत्र जारी करेगा ।

5. यदि अभिकरण का इस प्रकार का समाधान नहीं होता है तो वह ऐसा प्रमाण पत्र जारी करने से इंकार कर देगा और ऐसी इंकार किए जाने की सूचना लिखित रूप में उसके कारणों सहित निर्यातिकर्ता को भेज देगा ।

6. प्रमाणन के पश्चात्, अभिकरण को यह अधिकार होगा कि वह किसी भी स्थान पर भंडारण, अभिवहन या वास्तविक लदान के पहले पोत पर परेषण की क्वालिटी का पुनः आंकलन कर सकता है ।

7. यदि इनमें से किसी भी अवस्था में, परेषण मानक विनियोगों के अनुरूप नहीं पाई जाती है तो उस स्थिति में प्रारम्भ में जारी किया गया निरीक्षण प्रमाणपत्र वापिस ले लिया जाएगा ।

5. पैकिंग और विपणन :

1. ऐसा कोई निर्यातिकर्ता जो निर्यात के लिए पशुओं की केसिंग को पैक करने का आशय रखता है, वह पैकिंग मानक पैकेजों में या त्रैता की विनिर्दिष्ट अपेक्षाओं के अनुसार करेगा ।

2. पैकेजों पर निम्नलिखित सूचना स्टैम्प/मुद्रित की जाएगी :

- (क) निर्यातिकर्ता का नाम और पता,
- (ख) मद का नाम और उसकी किस्म,
- (ग) श्रेणी
- (घ) लॉट नम्बर और पैकिंग की तारीख
- (ङ) सफल बजन तथा शुद्ध बजन,
- (च) भारत का उत्थापन
- (छ) पोत-लदान संबंधी अनुरूपकन

6. निरीक्षण का स्थान :

इन नियमों के प्रयोगन के लिए निरीक्षण निर्यातिकर्ता के परिसर में, जहां निरीक्षण के लिए वस्तुएं प्रस्तुत की जाती हैं, वहां किया जाएगा, परन्तु यह सब जब कि वहां जांच के लिए पर्याप्त सुविधाएं हों ।

7. निरीक्षण की फीस :

प्रसंस्करणकर्ता/निर्यातिकर्ता द्वारा परेषणवार निरीक्षण के लिए सबैये निरीक्षण फीस, परेषण के एक०३०बो०० मूल्य के ०.४% की दर से होगी ।

टिप्पणी : निर्यातिकर्ता द्वारा प्रत्येक परेषण के लिए सबैये निरीक्षण फीस की रकम निकटतम रुपए तक पूर्णांकित की जाएगी और इस प्रयोगन के लिए जहां ऐसी रकम में रुपए का एक भाग सम्मिलित है, तब वहां ऐसा भाग पचास पेसी या ज्यादा है वहां तब उसे एक रुपया तक पूर्णांकित किया जाएगा और यदि वह भाग पचास पेसी कम है तो उसे छोड़ दिया जाएगा ।

8. अपील :

1. ऐसा कोई निर्यातिकर्ता जो इन नियमों के भाग-1 या भाग-2 में यथा विविहत निरीक्षण प्रमाणपत्र जारी करने के अभिकरण के इंकार किए जाने से अर्थात् हो, वह ऐसे इंकार किए जाने के दस दिन के भीतर उक्त अभिकरण को अपील कर सकेगा जो उसे ऐसे विशेषज्ञों के एक पैनल के पास निर्देशित करेगा जिसमें केन्द्रीय सरकार द्वारा इस प्रयोगन के लिए नियुक्ती से अन्यून किन्तु सात व्यक्तियों से अनधिक सबस्य होंगे ।

2. विशेषज्ञों के पैनल के कुल सदस्यों में से कम से कम दो तिहाई सदस्य गैर सरकारी होंगे ।

3. पैनल की गणपूति तीन सदस्यों से होगी ।

4. अपील का निपटान उसकी प्राप्ति की तारीख से 15 दिन के भीतर कर दिया जाएगा ।

उपाध्य-1

1. संग्रहण और परिवहन :

1. 1 आंते बूचड़खाने में काटे गए स्वस्थ पशुओं से ही निकाली जानी चाहिए ।

1. 2 बूचड़खाने से “केसिंग” प्रसंस्करण संयंत्र तक आंतों का परिवहन पर्याप्त स्वास्थ्यकर धराओं में किया जाना चाहिए जिससे कि अंतड़ियों के संत्रमण तथा संदूषण से बचा जाए सके ।

1. 3 आंतों की सफाई पशु को काटने के तत्काल बाद की जानी चाहिए ।

1. 4 आंतों के संग्रहण, परिवहन तथा प्रसंस्करण के बीच होने वाले विलम्ब को न्यूनतम किया जाना चाहिए ताकि अस्थी क्वालिटी के केसिंग का निर्माण किया जा सके ।

1.5 आंतों को किन्वन से, जहाँ तक संभव हो, बचाया जाना चाहिए।

उपांध-2

1. पशु केसिस्स प्रसंस्करण संयंत्र की अपेक्षाएँ:

1.1 प्रसंस्करण कक्ष:

पशु केसिस्स के प्रसंस्करण के लिए कक्षों में निम्नलिखित अवधय शामिल होना चाहिए:

1.1.1 केसिस्स प्रसंस्करण संयंत्रों के पारस्पर साफ-सुधरे दिखाई देने चाहिए और उनमें पुर्णत्व नहीं आनी चाहिए।

1.1.2 कच्चे माले की उठाई-धराई तथा प्रसंस्करण से संबंधित कक्ष, तैयार सामग्री की उठाई-धराई तथा भंडारण कक्षों से अलग होने चाहिए।

1.1.3 केसिस्स प्रसंस्करण कक्षों में आपरेशन सुविधा-जनक तथा सरलतापूर्वक करने के लिए पर्याप्त स्थान होना चाहिए।

1.1.4 फर्म अमेय तथा फिल्मन-र्हाहत होना चाहिए और इसे प्रतिदिन रोगाणुनाशक दवाओं से धोया जाना चाहिए। फर्म को पर्याप्त दबान वाला होना चाहिए ताकि ग्रिल लगे निकासी मार्ग से तरल पवार्थों को निकाला जा सके।

1.1.5 दीवारें 1.5 मीटर की ऊँचाई तक सफेद लेजड सेरामिक टाईलों अथवा हल्के रंगों की परतों अथवा अच्छे पैनल बाली होनी चाहिए ताकि उन्हें गरम पानी और रोगाणुनाशकों से धोया जा सके।

1.1.6 छत हल्के रंग तथा पर्याप्त परतों वाली होनी चाहिए जो खराब न हों।

1.1.7 हवा का आवागमन भली प्रकार से हो।

1.1.8 पर्याप्त प्राकृतिक अथवा कृतिम रोपनी हो जिससे रंगों पर प्रभाव न पड़े।

1.1.9 परिसरों में सफाई होनी चाहिए तथा ड्रेनेज और प्लॉचिंग व्यवस्था कुशल और सुव्यवस्थित होनी चाहिए। जल आपूर्ति पूर्ण तथा स्वच्छ होनी चाहिए।

1.1.10 उन कमरों में, जहाँ केसिस्स का प्रसंस्करण किया जाए, मिट्टी आदि नहीं होनी चाहिए। केसिस्स संबंधी कार्य कर्म्मने वाले व्यक्तियों के हाथों की सफाई तथा बर्तनों की सफाई करने के लिए परिसरों में सभी सुविधाएँ जुटाई जानी चाहिए।

1.1.11 अप्पिशिष्ट/स्क्रैप की वायुशुद्धि डफकन वाले डस्टबिन में रखा जाना चाहिए जिसे आसानी से साफ और दूषणरहित किया जा सके।

1.1.12 इसमें कुसों, बिलिंग्यों, कृतिम कीटों, मिक्रोजों, कौदों, चिमगादड़ों तथा गिर्दों का प्रवेश बंजित

होना चाहिए। जहाँ अथवा जहरीले जारों की उन स्थानों पर मनाही होनी चाहिए जहाँ प्रसंस्करण किया जाए अथवा कोई पैक की गयी सामग्री स्टोर की जाए, और

1.1.13 प्रत्येक दिन की समाप्ति पर पूर्ण स्वच्छता कार्यक्रम को कार्यान्वयित किया जाना चाहिए।

2. उपस्कर:

2.1 औजारों को साफ करने के लिए यूनिट में पर्याप्त जल की व्यवस्था की जानी चाहिए।

2.2 कीटों जैसे कीड़ों और कुत्तकों के विरुद्ध संरक्षण के लिए उचित उपस्कर होने चाहिए।

2.3 उपकरण तथा ठीक उपस्कर जैसे सोर्टिंग टेबल्स, केसिस्स, कटेनर्स, कंबेयर्स अथवा बैल्ट्स तथा चाकू इस प्रकार की सामग्री के होने चाहिए जिसकी आसानी से सफाई की जा सके।

2.4 कटेनरों को स्टोर करने के लिए उपकरणों को बहुत अच्छी स्वसंध्यकर दंबाओं में रखा जाना चाहिए और यह सुनिश्चित होना चाहिए कि कटेनरों में तल अथवा दीवारों पर किसी तरह की कोई गंगी नहीं होनी चाहिए।

2.5 केसिस्स को उतारते और छड़ते समय केसिस्स को स्वच्छतापूर्वक उठाने-धरने वाले उपकरणों का प्रयोग करना चाहिए।

2.6 बहते पानी की पर्याप्त प्रति के साथ वाश बेसिन की व्यवस्था होनी चाहिए और

2.7 केसिस्स के प्रसंस्करण/विनिर्माण में प्रयुक्त किए जाने वाले उपकरणों और औजारों को, यदि वे संदूषित हों, प्रत्येक कार्य दिवस में उनका इस्तेमाल करने से पहले तथा कार्य समाप्त होने के पश्चात् कई बार सावधानी पूर्वक सोफ किया जाना चाहिए। तथापि सतत उत्पादन मशीनों की सफाई तभी की जानी चाहिए जब काम समाप्त हो जाए अथवा जब संदूषण होने की संभावना हो।

3. स्टाफ़:

3.1 स्टाफ़ से अधिक से अधिक स्वच्छता की अपेक्षा की जाती है। इस अस्वच्छ पद्धतियों को दूर किया जाना चाहिए।

3.2 जहाँ पशुओं की केसिस्स का कार्य चल रहा हो उन कमरों में आने वाले सभी व्यक्तियों को साफ, हल्के रंग के और आसानी से धुमने वाले कपड़े तथा टोपियों का इस्तेमाल करना चाहिए। पशुओं की केसिस्स के प्रसंस्करण के कार्य में लगे कर्मचारियों को प्रतिदिन अनेक बार, अर्थात् जब भी वे कार्य कार्य में लगे, अपने हाथ धोने चाहिए।

3.3 कार्य कक्षों तथा भंडार कक्षों में खाना, पीना तथा धूम्रपान करना निर्देश होना चाहिए।

3.4 जो व्यक्ति बीमार हों अथवा जिनके हाथ कटे-फटे और खुले हों जिनसे केसिंग्स के संदूषित होने की संभावना हों, उन्हें कार्य अथवा उठाने-धराने पर नहीं लगाया जाना चाहिए, और

3.5 पशुओं की केसिंग्स के प्रसंस्करण में कार्यरत प्रत्येक व्यक्ति के लिए कार्यभार संभालते समय एक चिकित्सा स्वास्थ्य प्रमाणपत्र प्रस्तुत करना होगा। इस प्रमाणपत्र का प्रतिवर्ष नवीनीकरण कराना होगा। यह प्रमाणपत्र निरीक्षण अधिकारी को, जब भी मांगा जाए, प्रस्तुत करना होगा।

4. सामान्य :

4.1 कमरों, उपकरणों तथा औजारों का इस्तेमाल केवल केसिंग्स तैयार करने के लिए ही होना चाहिए और यदि किसी अन्य प्रयोजन के लिए आवश्यक हो तो इन्हें अच्छी तरह साफ करने के बाद और पशु केसिंग्स को पुनः प्रसंस्कृत करने से पहले, 24 घंटे का अंतर होना चाहिए।

4.2 फंस की सफाई के अलावा अन्य सभी प्रयोजनों के लिए पेयजल का इस्तेमाल किया जाना चाहिए।

4.3 घोने के पाउडर, कीटनाशकों तथा नाशक जीवारों के प्रयोग से केसिंग्स की स्वास्थ्यप्रदता प्रभावित नहीं होनी चाहिए।

4.4 सभी कामगारों के लाभ के लिए प्राथमिक सहायता का सामान उपलब्ध होना चाहिए।

4.5 लेपेटने और पैकिंग करने का कार्य संतोषजनक सफाई वाली दशाओं में ही किया जाना चाहिए।

4.6 केसिंग्स को उन स्थितियों में स्टोर किया जाना चाहिए जिनसे केसिंग्स की क्वालिटी प्रभावित न हो:

4.6.1 भेड़ की केसिंग्स के भासले में इन्हें पर्याप्त रूप से नमक लगाकर उचित हालत में रखा जाना चाहिए। यदि अधिक समय तक (10 दिन से अधिक) स्टोर करने की आवश्यकता पड़े तो इन्हें प्रशीतित स्थानों पर रखा जाना चाहिए।

4.6.2 पशुओं की केसिंग्स के भासले में, सफाई और प्रसंस्करण के बाद केसिंग्स को स्वास्थ्यप्रद परिस्थितियों में, धूप में या ताप प्रक्रिया से सुखाया जाना चाहिए। पशुओं की सूखी हुई केसिंग्स को साफ सूखी तथा नभी रोधक स्थितियों में स्टोर किया जाना चाहिए। स्टोरेज के लिए काली मिर्च जैसे परिरक्षकों का प्रयोग किया जाना चाहिए, तथा

4.7 जिन पद्धतियों से केसिंग्स का संदूषण होता हो उनसे बचा जाना चाहिए।

उपादान-3

पशु केसिंग्स प्रसंस्करण संयंत्रों के रजिस्ट्रीकरण के लिए प्रक्रिया:

1.1 ऐसे नियर्तिकरणों को जो यूरोपीय समुदाय तथा अन्य देशों को जहां नियर्ति के लिए रजिस्ट्रीकरण और प्रमाणन की आवश्यकता होती है, पशुओं की केसिंग्स का नियर्ति करना चाहता है, निम्नलिखित प्रक्रिया के अनुसार एपीडा के साथ संयंत्र को रजिस्ट्रीकृत कराना चाहिए:

2. रजिस्ट्रीकरण के लिए आवेदन :

2.1 आवेदन, अनुसूची-1 में यथा अधिकार्थित प्रोफार्म में, एपीडा के अध्यक्ष को दिया जाना चाहिए। अपनाई जाने वाली प्रक्रिया की एक प्रति एपीडा के कार्यालयों से प्राप्त की जा सकती है।

2.2 आवेदन के साथ, अनुसूची-2 में यथा अधिकार्थित पशु केसिंग्स संयंत्र डाटा दिया जाना चाहिए।

2.3 सम्पूर्ण: पूर्ण आवेदन नई दिल्ली स्थित एपीडा के मुख्यालय अथवा अनुसूची-3 में दिए गए पतों में से किसी भी क्षेत्रीय कार्यालय में दिए जाएं जो इसे मुख्यालय को प्रेषित करेंगे।

2.4 आवेदन के साथ अनुसूची-4 में अधिकार्थित प्रोफार्म में यह घोषणा दी जानी चाहिए कि विनिर्माता/नियर्तिकरण ने पशु केसिंग्स संयंत्र की स्वच्छता तथा अन्य आवश्यकताओं का पालन किया है।

2.5 आवेदन के साथ एपीडा के नाम 5001 रु० का मांगदेय ड्राफ्ट दिया जाना चाहिए जो दस्तावेज प्रसंस्करण तथा निरीक्षण प्रमारों के रूप में होगा।

2.6 आवेदन के साथ निम्नलिखित अर्तारक्षत दस्तावेज संलग्न किए जाने चाहिए :

(क) परिसर का ले आउट।

(ख) परिसर में मशीनरी तथा उपकरण की सूची।

(ग) दस्तावेजी साक्ष के साथ स्वामियों/भागीदारों/निवेशकों/स्थानियों आदि के नाम और पते

(घ) पशुओं की केसिंग्स के लिए प्रसंस्करण एकक चलाने हेतु स्थानीय नगरपालिका से अनुमति।

(ङ) यदि प्रसंस्करण एकक लीज आधार पर चल रही हो तो लीज करार की एक प्रति।

(च) वित्तीय चंस्थानों/वैकों द्वारा जारी गोपनीय रिपोर्ट जिनमें विनिर्माताओं नियर्तिकरणों को वित्तीय स्थिति को वर्णिया गया हो।

(छ) पशुओं की केसिंग्स के प्रसंस्करण के लिए प्रयुक्त किए जाने हेतु पेयजल की प्राप्ति के संबंध में सरकारी प्रयोगशाला से प्रमाणपत्र।

(ज) प्रसंस्करण संबंधी कार्य में लगे कामिकों के लिए चिकित्सा स्वास्थ्य प्रमाणपत्र।

3. संयंत्र रजिस्ट्रीकरण की प्रतिवाद :

3.1 आवेदन वाली प्रारंभिक संवीक्षा एपीडा द्वारा वाली आए तथा आवेदन के ठीक पाए जाने वाली स्थिति में, एपीडा संयंत्र नियोक्षण समिति के प्रत्येक सदस्य वो आवेदन वाली प्रति व्यक्ति को देता है।

3.2 रजिस्ट्रीकरण के लिए प्रसंस्करण संयंत्र का मौलिक नियोक्षण संयंत्र नियोक्षण समिति द्वारा किया जाएगा। इस समिति का गठन एपीडा के अध्यक्ष द्वारा किया जाएगा, जिसमें निम्नलिखित होते हैं—

3.2.1 पशुपालन तथा दुग्ध उत्पादन विभाग, हृषि विभाग, भारत सरकार का एक प्रतिनिधि।

3.2.2 राज्य सरकार के पशुपालन विभाग का एक प्रतिनिधि।

2.7 आवेदन इस प्रयोगन के लिए सम्युक्त, प्राप्तिकृत स्वामी/भागीदार/निवेशक/प्रबन्धक न्यासी द्वारा हस्ताक्षरित होनी चाहिए तथा आवेदन के साथ यथास्थिति, दस्तावेजों साक्ष/मुख्तारनामा/संकल्प की प्रति, लगानी चाहिए।

3.2.3 नियोक्षण परिवर्त/अभिकरण का एक प्रतिनिधि।

3.2.4 विषयन वाले नियोक्षण निवेशालय का एक प्रतिनिधि।

3.2.5 पशु केसिंग के नियंत्रिकारियों का एक प्रतिनिधि।

3.2.6 खेड़ी वाली केसिंग के नियंत्रिकारी संघ का एक प्रतिनिधि।

3.2.7 एपीडा का एक प्रतिनिधि वो समिति का संयोगवाला होगा।

3.3. समिति के तीन सदस्यों के नियोक्षण के लिए गप पूर्ति होती है। यदि, किसी कारण से गप पूर्ति नहीं होती है तो नियोक्षण बाद में किसी तारीख वाले होता जिसकी सूचना प्रसंस्करणकर्ता वाले नियंत्रिकारी द्वारा दी जाए जाती है।

3.4 एपीडा सामान्य रूप से प्रसंस्करणकर्ता वाले या नियंत्रिकारी वाले जांच के लिए नियोक्षण वाली तारीख से एक सप्ताह पहले सूचित करेगा।

4. संयंत्र रजिस्ट्रीकरण प्रमाणपत्र जारी करना :

4.1 यदि समिति का समाधान हो जाता है कि पशु केसिंग संयंत्र मानवों के अनुरूप है और प्रमाणपत्र जारी करने के लिए सिपारिश करती है तब प्रमाणपत्र अनुसूची 5 में अधिकृत प्रोपार्टी में एपीडा द्वारा जारी किया जाएगा। इस प्रमाणपत्र पर एपीडा द्वारा प्रावित रजिस्ट्रीकरण संख्या होगा।

4.2 प्रमाणपत्र वो प्रसंस्करण एवं वो में अध्यक्षक रूप से प्रदर्शित किया जाएगा।

4.3 प्रसंस्करण एवं वो आउट डिजाइन अथवा प्रक्रमता में किसी भी परिवर्तन वो 60 दिन के भीतर एपीडा द्वारा अनुमोदित करना होता।

4.4 संयंत्र रजिस्ट्रीकरण प्रमाणपत्र अनुसूचित उत्पाद के नियंत्रिकारी के रूप में एपीडा के साथ उसके रजिस्ट्रीकरण के अतिरिक्त होता। एपीडा अधिनियम वाला 12(1) के अनुसार। संयंत्र रजिस्ट्रीकरण प्रमाणपत्र वो विविध मान्यता वाली तारीख प्रमाणपत्र पर विनियोग की जाएगी। यदि किसी विषेष तारीख का उल्लेख नहीं किया गया हो तो प्रमाणपत्र को, जिस वर्ष में वह जारी किया गया हो उस वर्ष के 31 दिसम्बर तक विविध मान्य माना जाएगा।

4.5 प्रमाणपत्र के नवीकरण के प्रशोधन हेतु पशु केसिंग संयंत्र का समिति द्वारा पुनः नियोक्षण किया जाएगा। यह पुनः नियोक्षण, प्रमाणपत्र वाली विविध मान्यता अवधि के समाप्त होने से पूर्व किया जाएगा।

4.6 यदि पशु केसिंग का प्रसंस्करण पट्टा पर लिए गए संयंत्र में किया जाता है तो विनियमता नियंत्रिकारी वो प्रमाणपत्र जारी किया जाएगा जो संयंत्र का पट्टाधारी हो सकता है तो न कि उसका स्वामी यदि पट्टा करार प्रमाणपत्र के समाप्त होने से पूर्व समाप्त हो जाता है तब प्रमाणपत्र वी विविध मान्यता यदि पट्टाकरार वी अवधि नहीं बढ़ाई जाए, जो पट्टा करार के समाप्त होने वी सारी तक सीमित होती।

4.7 विनियमता/नियंत्रिकारी वो एपीडा द्वारा समय-समय पर जारी किए गए अनुदेशों की भी पालन करना होता।

5. प्रमाणपत्र वो इंकार करना/रद्द करना :

5.1 खंड 4 के अधीन जारी किए गए प्रमाण पत्र से इंकार किया जा सकता है, या उसे रद्द अथवा निलंबित किया जा सकता है वस्तु यह तब जब कि पशु केसिंग संयंत्र इस नियमों के अधीन अधिकृत मानवों के अनुरूप नहीं है व किसी भी स्वामी/निवेशक/भागीदार न्यासी के विवरण वित्तीय संस्थानों/बैंकों या आयातकर्ताओं अथवा आयात करने वाले देशों वी वोर से वोई प्रतिकूल रिपोर्ट हो। परिसरों में पेयजल वी कमी हो। बहाए जाने वाले पदार्थों के लिए संरोगन व प्रबन्ध नहीं हो। स्थानीय निकाय से विविध मान्य अनुमति अथवा यदि समिति यह महसूस करती है कि संयंत्र एंसी जगह पर अवस्थित है जहां मिवासियों के लिए हानिकर होता।

5.2 यथा स्थिति, प्रमाणपत्र से इंकार किए जाने, उनको रद्द या निलंबन किए जाने वी नियंत्रिकारियों वो कारण बताते हुए लिखित में सूचना दी जाएगी।

5.3 व्यावधि वोई नियंत्रिकारी यह समाधान करने पर कि समिति द्वारा बढ़ाई गई कमियों वो ठीक कर दिया गया है, प्रपने खंयंत्र के रजिस्ट्रीकरण हेतु एपीडा के अध्यक्ष वो एवं अन्य आवेदन दे सकता है। संयंत्र का पुनः नियोक्षण उपरोक्त दोरा 5 के रूप में किया जाएगा।

उपांत्य-IV

1. पशु केंसिंग के प्रमाणीकरण की क्रियाविधि :

पशुओं के स्वास्थ्य प्रमाण पत्र को जारी करने हेतु पशु की जाति पैकिंग का स्वरूप, पैकेजों की संख्या, मुद्र वजन, केंसिंग की सफाई आदि की जांच करने के लिए पशु केंसिंग का निरीक्षण किया जाएगा।

2. निरीक्षण का स्थान :

इन नियमों के प्रमोजन के लिए पशु केंसिंग का निरीक्षण एपीडा द्वारा रजिस्ट्रीकृत परिसरों में किया जाएगा।

3. प्रमाण पत्र के लिए आवेदन :

ऐसा कोई निर्यातकर्ता जो पशु केंसिंग का निर्यात करता आहता है, निर्यात किए जाने के लिए प्रस्तावित परिवेश की विशिष्टता का और उसके द्वारा देते हुए पशु स्वास्थ्य प्रमाण पत्र जारी करने के लिए एक आवेदन अनुसूची VI में यथा अधिकारित विहित ब्रोकर्मा में अभिकरण के निकटतम कार्यालय को प्रस्तुत करेगा।

4. निरीक्षण के लिए समय-सीमा :

4.1 स्थानीय तथा बाहर के निरीक्षण के लिए पशु केंसिंग के निरीक्षण हेतु क्रमशः दो और तीन कार्य विवर सीमा अधिक स्पष्ट सूचना अभिकरण को भेजी जानी आवश्यक है।

4.2 यद्यपि सूचना प्राप्त होने के बाद यथाशीघ्र निरीक्षण शुरू करने के लिए हर संभव प्रयास किए जाएंगे किन्तु इसके लिए कोई गारंटी नहीं दी जाएगी। केवल अनुरोधों पर आवेदनों के प्राप्त होने के बाद कालानुक्रम में ही विचार किया जा सकता है। तथापि, विशेष मामलों में, निरीक्षण अधिकारी अत्यंत सूचना पर भी निरीक्षण कर सकता है परन्तु यह तब जब कि वह किसी अन्य कार्य में व्यस्त न हो।

अनुसूची I

पशु प्रसंस्करण संयंत्र के रजिस्ट्रीकरण हेतु आवेदन-प्रपत्र

1. आवेदक का नाम और पता
2. एपीडा का रजिस्ट्रीकरण सह सदस्यता संख्या
3. प्रसंस्करण संयंत्र का पता
4. कारखाना अनुज्ञित संख्या और तारीख, यदि कोई हो
5. भवन (प्रसंस्करण संयंत्र) के स्वामी का नाम और पता यदि वह/वे आवेदक से भिन्न हों।
6. पट्टा करार समाप्ति की तारीख, यदि लगू हो
7. वित्तीय संस्थानों/बैंकों का नाम व पता, जिन्होंने संयंत्र को वित्तपोषित किया।

8. बैंक ड्राफ्ट/चेक का विवरण।

स्थान :

तारीख :

आवेदक या प्राधिकृत हस्ताक्षरकर्ता

सत्यापन

मैं..... यह घोषणा करता हूं कि मेरी जास्ती और विश्वास में उपर्युक्त सूचना पूर्ण और सही है और मैं इस निमित निर्धारित की गई शर्तों और मानदण्डों का अनुपालन करने की सहमति देता हूं।

तारीख :

आवेदक द्वा प्राधिकृत हस्ताक्षरकर्ता

स्थान :

अनुसूची-II

पशु केंसिंग संयंत्रों से संबंधित मानक

1. प्रसंस्करण संयंत्र का नाम
2. पता
3. बाहर निरीक्षण
 - (1) परिवेश (स्वच्छ/प्रस्वच्छ)
 - (2) क्या यह मछली डिल्बा बन्दी, चर्मशोधक, रसायन संयंत्र रसायन संयंत्रों जैसे प्रृणालक उद्योगों के पास स्थित है जहां से हाईड्रोजन सल्फाइड आदि निकालता है।
 - (3) क्या इस संयंत्र का उपयोग पशु केंसिंग के घलावा किसी और प्रसंस्करण सामग्री के लिए होता है।
 - (4) पहुंच और सर्विस मावों की स्थिति क्या चार-दीवारी उपलब्ध है।
 - (5) चिड़ियों, कौश्रों, चीलों आदि की उपस्थिति, यदि कोई हो।
 - (6) निकास अवस्था की स्थिति, क्या यह स्थायी रूप से जमीन के अन्वर स्थापित है।
 - (7) अपरिष्ट सामग्री के निपटान की अवस्था।
 - (8) क्या कामगारों के लिए धुलाई एवं परिवर्तन कक्ष उपलब्ध है। यदि हां, तो स्त्री और पुरुष कामगारों के लिए शीतालयों की संख्या और पानी साबुन, तांबिए आदि की अवस्था।
 - (9) क्या बाहरी दीवारों की उचित तरीके से प्लास्टर किया गया है और विदर्का सीढ़ों सीलन आदि से मुक्त है।
 - (10) क्या प्रवेश निर्बंधित है तथा प्रवेश और निकास के रास्ते में मक्की-रोधी और अपने आप बैद्ध होने वाली पद्धतियों के बोहरे, प्रश्नाजारों की अवस्था की गई है।

(11) क्या खिड़कियों मरुस्ती रोधी है

(12) क्या प्रवेश द्वारा पर वैर धोने के लिए कीटाणु-रोधक/रोगानुमानी दवाओं का प्रयोग किया जाता है।

4. भांतरिक निरीक्षण

- (1) क्या दीवारें और छतें अचित बंग से पुती हुई हैं।
- (2) क्या फर्श, दीवारें और छतें अमेय सामग्री से ठीक बंग से प्लास्टर की गई हैं।
- (3) क्या दरारें, छिद्र, विवरिका और सीलन विद्यमान हैं।
- (4) क्या दीवारें कम से कम 2 मीटर की ऊँचाई तक धोने लायक परस या पेन्ट से छंकी हुई हैं। क्या खिड़कियों पर्याप्त ऊँचाई पर हैं और काम करने वाले प्लेटफार्म मेंों से दूर हैं ताकि धूल और दुर्घटनावश टूटे हुए कांच के शीशों से होने वाले संदुषण से बचा जा सके।
- (5) क्या यह सुनिश्चित करने के लिए कि कामगार कारबाना में प्रवेश करते समय और वहां से जाते समय अपने हाथ अप्पाई तरह धोते हैं, पर्याप्त सावधानी बरती जाती है।
- (6) क्या परिसरों में “बूकमा और धूम्रपान करना मना है” को व्यापने वाले पर्याप्त साइनबोर्ड मुळ रूप से लगाए गए हैं।
- (7) क्या काम करने वाले क्षेत्र में पर्याप्त रोशनी की व्यवस्था की गई है।
- (8) क्या पर्याप्त निष्कासन पंखे उपलब्ध कराए गए हैं।
- (9) क्या प्रसंस्करण क्षेत्र मकड़ियों और जासों से मुक्त है।

5. पानी की आपूर्ति

स्वोत निगम अथवा खुला कुआँ/कुएं अथवा द्यूबेल

- (1) क्या पेंगजल की शब्द के साथ पर्याप्त आपूर्ति उपलब्ध है।
- (2) क्या उपस्कर के रोगानुनाशन के लिए गम्ब जल (82 सेस्प्लियस) उपलब्ध है।
- (3) अधि-अध्य उर्जा भव्यारण टैक की स्थिति
- (4) क्या जल की अवाय के उपचार होता है, यदि हाँ तो उसके लिए प्रयुक्त प्रणाली।
क्या इस जल का निर्यातिरूप से परीक्षण होता है, यदि हाँ तो ऐसे परीक्षण कितने समय के अंतराल से होते हैं।

6. कामिक

- (1) क्या आंगेयता के लिए बर्मचारीबून्द की नियत-कालिक जांच होती है, यदि हाँ तो कितने समय के अन्तराल से होती है।
- (2) क्या नाखूनों और बालों की ठीक से सफाई और कटाई होती है। नखुनपोलिश का प्रयोग करना निषिद्ध है।
- (3) क्या साफ पुश्ती वर्दी, टोपी, दस्ताने, गम्बूट उपलब्ध कराए जाते हैं।
- (4) क्या अविक्तिगत स्वास्थ्यरक्षण के अनुगालन की शिक्षा दी जाती है।
क्या यह बताया जाता है कि प्रसंस्करण क्षेत्र में धूम्रपान/चबाना/थूकना निषिद्ध है।

7. उपस्कर

- (1) पशु के सिम्पस के भंडारण के लिए कार्यशील उपस्कर आदि जैसे चाकूओं, काठों, डिल्डों तथा व्याधांग मेंोंव अन्य कटाई औजारों की स्थिति।
- (2) क्या उपस्करों की रोज सफाई की जाती है और उन्हें रोगानुरक्षण किया जाता है।
- (3) क्या अभ्यर्थ/अर्बाशिष्ट सामग्री के लिए प्रस्तुत उपकर, बर्तन/द्रालियों को ठीक से चिन्हित किया जाता है ताकि उनका प्रयोग भक्षण पशु कैशिंग के लिए नहीं किया जा सके।

8. परिवहन

- (1) यदि अंताड़ियों/पशु कैशिंग स्नेतों से इतर जगहों से लाए जाते हों तो उन बूचड़ानों के नाम और पते जहां से प्राप्त किए जाते हैं।
- (2) बूचड़ानों से परिवहन की दूरी और बूचड़ानों से अंताड़ियों/पशु कैशिंग को लाने ले जाने का माध्यम।

अनुसूची 3

६. पीड़ा के मुख्यालय और क्षेत्रीय कार्यालयों के पते

- (1) कृषि और प्रसंस्कर खाद्य उत्पाद नियंत्रित विकास प्रार्थिकरण, असन चैम्बर्स 2, तृतीय तल, 6, भीका जो कामा प्लेस, नई विल्ली-110066
दूरभाष : 6192141/6192148/6192747
टेलेक्स : 031-82061 पेड़ा इन फेक्स 6195016
- (2) बम्बई कार्यालय
12 वां तल, यूनिट नं० 1,
एम बी आई आर डी सी,
कफी पेरेश, वर्ल्ड ट्रेड सेंटर
मुःदर्द-400005

दूरभाष 022-2183106/2189060

फैक्स 022-2189681

टेलेक्स 011-837374 पी इ डी इन

3. बंगलौर कार्यालय

12/1/1, पैकेज ब्राम रोड

बंगलौर 560020

टेलेक्स 080-334325

फैक्स 91-80-3364560

4. कलकत्ता कार्यालय

मध्यम भवन, विधान नगर

कलकत्ता 700091

टेलेक्स 033-374244

टेलेक्स 21-2222 डल्लू बीजी टी इन।

अनुसूची-4

नियांत्रिकर्ता की घोषणा

1. मैं/हम घोषणा करता हूं/करते हैं कि मेरा/हमारे पशु केसिस प्रसंस्करण संयंत्र (क्वालिटी नियन्त्रण और निरीक्षण) नियम, 159 के अधीन अधिकारित सफाई और स्वास्थ्य संबंधी अपेक्षाओं का अनुपालन करता है।

2. मैं/हम वह भी घोषणा करता हूं/करते हैं कि आंत-डिया मान्य वयस्तालाओं मूचड़खानों से प्राप्त की जाती है।

3. मैं/हम घोषित करता हूं/करते हैं कि मेरे/हमारे पास अपने परिसर (पता) में पशु केसिस को प्रसंस्कृत करने/भंडारण करने और एषीडा द्वारा समय-समय पर जारी अनुदेशों की पुष्टि के लिए अपेक्षित किसी भी तरह के संरचनात्मक और/या अन्य परिवर्तन करने का पूर्ण प्राधिकार और अधिकार है।

4. मैं/हम यह भी घोषणा करता हूं/करते हैं कि हम कम्पनी के स्वामित्व प्रबंधन और प्रसंस्करण संयंत्र के भवन में हीने बाले किसी भी परिवर्तन के बारे में एपीडा को सूचित करेंगे।

स्थान :

आवेदक के हस्ताक्षर

तारीख :

प्राधिकृत हस्ताक्षरकर्ता के हस्ताक्षर

अनुसूची-5

कुर्दि और प्रतंस्कृत खात्र उत्पाद

नियंत्रित विकास प्राधिकरण

(वाणिज्य मंत्रालय, भारत सरकार)

पशु केसिस प्रसंस्करण संयंत्र के शंख रजिस्ट्रीकरण का प्राप्ति

यह प्रमाणित किया जाता है कि पशु केसिस प्रसंस्करण संयंत्र का एषीडा द्वारा गटित संयंत्र रजिस्ट्रीकरण समिति द्वारा निरीक्षण किया गया है और विद्यमान सुविधाएं निर्दित के लिए अपेक्षित स्वास्थ्य और सफाई परिस्थितियों के लिए प्रयत्न मानी जाती है।

1. नियंत्रिकर्ता का नाम

2. रजिस्ट्रीकरण संख्या

3. प्रसंस्करण संयंत्र की आव-स्थिति

4. नियंत्रित के लिए प्राधिकृत

पशु केसिस का प्रकार

तारीख जब तक के लिए

प्रमाणपत्र मान्य है

स्थान : मई दिल्ली

तारीख : अष्टी दिल्ली के लिए, और उमरी और से अधिक

अन्सल चैम्बर्स-II, द्वितीय तल, 6 भीवाड़ी कामा एवं पैकेज नई दिल्ली-66 दूरभाष 6192141, 6192148 पैक्स 6195016

अनुसूची-6

पशु स्वास्थ्य प्रमाणपत्र जारी करने के लिए आवेदन पत्र प्रेषक

सेवा में,

प्राधिकरण

भूदोष्य,

मैं आपसे पशु केसिस का परिषेप जिसका विवरण नीचे दिया गया है का नियंत्रित करने के लिए आवश्यक पशु स्वास्थ्य प्रमाण पत्र जारी करने का अनुशेष करता हूं।

1. केसिस की पहचान

(किसी)

पैकेजिंग वी प्रकृति

पैकेजों वी संख्या

बूढ़ा भार

2. केसिस का उद्देश्य

अनुमोदित स्थापना

(संबंध रजिस्ट्रीकरण सं०)

3. केसिस का गंतव्य स्थल

स्थान जहां से केसिस भेजी जाएंगी

(लदाई का स्थान)

जहां को भेजी जाएंगी

(देश और गंतव्य स्थल)

विन साधनों से भेजी जाएंगी

परेषण कर्ता का नाम व पता

परोपिती का नाम व पता

(वादीय

नाम

(पदनाम)

IV. अनुमति

अधिकारी पशु विकल्पा अधिकारी यह प्रमाणित पत्रात् है उपर वर्णित गां के सिम्प्स :-

व सबसे उत्तिकारी बारा ग्रेड संदर्भों में आते हैं।

३. साफ फिल गृह खुरचे गए और सोडियम क्लोराइड के साथ (-) 30 दिन तक नमक लगाए गए हैं या विरजिन (-) :

या

-खुरचे के बाद सुखाए गए (-) हैं :

४. उपचार के बाद दोबारा संदूषण से बचाने के लिए मध्ये प्रकार वी सावधानियों से गुजर चुके हैं।

— को — पर

(तारोंवा) (स्थान)

(मोहर) ——————

प्रधिकारी के हस्ताक्षर (X)

(मोहर)

(X) दंकलिपक

(--) जो उपयुक्त समझे इसे हटा दें।

(X) हस्ताक्षर और मोहर का रंग छपाई के रंग से अलग होना चाहिए।

अनुसूची 7

पशु स्वास्थ्य प्रमाण पत्र

पूरोदय सूचीय वो भेजे जाने वाले पशु वेसिम्स के नियंत्रण देश

स्वास्थ्य प्रमाण पत्र वी संबंध संख्या :

नियर्तिकर्ता देश

उत्तरदायी भवालय

प्रमाणित करने वाला विभाग

I. वेसिम्स वी पहचान : —————— के वेसिम्स किस्म

पैकेजिंग वी प्रकृति

पैकेजों की संख्या

वृद्ध भार

II. वेसिम्स का उद्देश्य

अन्तर्राष्ट्रीय स्थापन का/ स्थापनाओं का पाना/पते और पशु विकल्पा निर्देश संख्या

III. वेसिम्स का रंतव्य

स्थान जहाँ से कोंमग्म

भेजी जाएगी

लदाई का स्थल

जहाँ वो भेजी जाएगी

(देश और गंतव्य स्थल)

(देश और गंतव्य स्थल)

परिवहन के जिन साधनों से

भेजी जाएगी ।

तौल की संख्या (X)

परेषणकर्ता का नाम व पता

परेषिती का नाम व पता

[कार्डल सं. 6/1/96-ईआई एंड ईपी]

प्रभ दास, निदेशक

New Delhi, the 3rd November, 1997

S.O. 2948.—In exercise of the powers conferred by Section 17 of the Export (Quality Control and Inspection) Act, 1963, (22 of 1963) and in supersession of the notification of the Government of India, in the Ministry of Commerce Number S.O. 2284 dated the 24th August, 1991 relating to Animal Casings (Quality Control and Inspection) Rules, 1994, except as respects things done or omitted to be done before such supersession the Central Government hereby makes the following rules namely :—

1. Short title and commencement.—(1) These rules may be called the Export of Animal Casings (Quality Control and Inspection) Rules, 1997.

(2) They shall come into force on the date of their publication in the Official Gazette.

PART I

APPLICABLE FOR EXPORT TO EUROPEAN UNION (EU) AND OTHER COUNTRIES WHICH STIPULATE THAT ANIMAL CASINGS SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS

2. Definition.—In this part unless the context otherwise requires, the following definitions shall be applicable :

(a) "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

(b) "Agency" means any of the Export Inspection Agencies established or recognised by the Central Government under Section 7 of the Act or the Agricultural Marketing Adviser to the Government of India or any other officer authorised on his behalf for inspection ;

(c) "Animal" means a livestock belonging to any of the following species namely :

I. Cattle

II. Buffalo

III. Sheep

IV. Goat ; and

V. Pigs

(d) "Animal Casing" means processed intestines of a healthy animal slaughtered in an authorised slaughter house which may be referred as "Casings" also.

(e) "APEDA" means the Agricultural and Processed Food Products Export Development Authority established under Agricultural and Processed Food Products Export Development Authority Act, 1985.

(f) "Council" means the Export Inspection Council established under Section 3 of the Act.

(g) "Competent Authority" means Directorate of Marketing and Inspection (DMI), Department of Rural Development, Ministry of Rural Areas and Employment, Government of India recognised under Section 7 of the Act.

(h) "Intestines" means small and large intestines or gullet or oesophagus or weasand or urinary bladder of an animal.

(i) "Processed Intestines" means the cleaned, scrapped and salted with sodium chloride for 30 days or bleached or dried after scrapping of the intestines of an animal.

(j) "Slaughter" means killing of an animal for food employing a human method not inconsistent with the provisions of the prevention of cruelty to Animal Act, 1960 (54 of 1960) in an authorised slaughter house or abattoir where the animal is subjected to thorough ante-mortem and post-mortem examinations.

(k) "Slaughter House or Abattoir" means any premises which is authorised by the local authority for slaughter of animals intended for human consumption.

3. Basis of Compliance.—Inspection of Animal Casings intended for export shall be carried out with a view to see that the same has been processed, packed and stored in plants approved and registered with APEDA and that the product conforms to the standard specifications recognised by the Central Government under Section 6 of the Act, by sampling and testing of each consignment by the Competent Authority as per instructions issued by the council from time to time.

4. Animal Casings for export shall be subject to the following conditions :

4.1 The casings must comply with the requirements of Collection and transportation as per Annexure-I.

4.2 They must comply with the requirements of processing plant as per Annexure-II.

5. They must comply with the procedure for 'Registration of Animal Casings' Processing Plant and for Certification of Animal Casings as per Annexures III and IV respectively.

6. Issue of Animal Health Certificate.—On receipt of the application, the agency, on satisfying itself on the basis of inspection carried out as referred above that the consignment of Animal Casings has been processed and packed according to the specification applicable to it, shall issue Animal Health Certificate in the proforma laid down in the Schedule VII. It shall be lawful for the agency to supervise, oversee and secure compliance of these rules.

Where the agency is not satisfied, it shall refuse to issue the Animal Health Certificate. Such refusal alongwith the reasons thereof shall be communicated in writing to the exporter immediately after inspection of the consignment.

The Animal Health Certificate shall be valid for a maximum period of 90 days in the case of dried animal casings or 45 days in the case of salted animal casings or as prescribed by the importer, whichever is earlier.

If the consignment is not shipped within the period of validity of the certificate, the exporter shall be permitted to present the Certificate for revalidation. In such a case, the validity shall be extended for a further period of 45 days in the case of dried animal casings or 15 days in the case of salted animal casings or upto the last shipment date prescribed by the importer.

A duplicate certificate may be issued on payment of Rs. 500 and furnishing a declaration that the certificate was lost or mutilated and if the original certificate is found it will be returned. The validity of the duplicate certificate will be same as that of the original.

7. Inspection Fee—The inspection fees would be Rs. 200 per ten banks subject to a maximum of Rs. 500 per consignment for local inspection and Rs. 1000 for out station inspection and shall be collected by the Competent Authority from the processor and/or exporter.

NOTE.—The amount of inspection fee for each consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose where such amount contains a part of a rupee, then if such a part is fifty paise or more, it shall be rounded off to one rupee and if such part is less than fifty paise, it shall be ignored.

PART-II

APPLICABLE FOR EXPORT TO ALL COUNTRIES IN RESPECT OF GRADING AND MARKING OF ANIMAL CASINGS

2. DEFINITION.—In this part unless the context otherwise requires, the following definitions shall be applicable:

a. "Act" means the Export (Quality Control and Inspection) Act, 1963 (22 of 1963).

b. "Act" means any of the Export Inspection Agencies established or recognised by the Central Government under section 7 of the Act or the Agricultural Marketing Adviser to the Government of India by any other officer authorised on this behalf for inspection :

c. "Animal" means a livestock belonging to any of the following species namely :

I. Cattle

II. Buffalo

III. Sheep

IV. Goat, and

V. Pigs.

d. "Animal Casing" means processed intestines of a healthy animal slaughtered in an authorised slaughter house which may be referred as "Casings" also.

e. "Council" means the Export Inspection Council established under Section 3 of the Act.

f. "Intestines" means small and large intestines or gullet or oesophagus or weasand or urinary bladder of an animal.

g. "Processed Intestines" means the cleaned, scrapped and salted with sodium chloride for 30 days or bleached or dried after scrapping of the intestines of an animal.

h. "Slaughter" means killing of an animal for food employing a human method not inconsistent with the provisions of the prevention of cruelty to Animal Act, 1960 (54 of 1960) in an authorised slaughter house or abattoir where the animal is subjected to thorough ante-mortem and post-mortem examinations.

i. "Slaughter House or Abattoir" means any premises which is authorised by the local authority for slaughter of animals intended for human consumption.

3. BASIS OF INSPECTION.—Inspection of Animal Casings intended for export shall be carried out with a view to see that the same has been processed, packed and stored in plants approved by the Agency and that the product conforms to the standard specifications recognised by the Central Govt. under section 6 of the Act by sampling and testing of each consignment by the Agency as per instructions issued by the council from time to time.

4. PROCEDURE OF INSPECTION.—I. Any exporter intending to export Animal Casings shall submit an application for inspection (in duplicate) to the nearest Agency or an officer of the Agency authorised in this behalf by the Agency, giving particulars of the consignment, intended to be exported.

II. An application under sub-rule (1) shall be submitted :

a. Not less than two days before the inspection to be carried out at the premises situated at the same station to the office of the Agency; and

b. Not less than ten days before the inspection to be carried out at the premises which are not situated at the same station to the office of the Agency.

III. On receipt of the application referred to in sub-rule (2), the Agency shall inspect the consignment of Animal Casings as per the instructions issued by the Export Inspection Council in this behalf from time to time, with a view to satisfy itself that the consignment has been graded and packed in accordance with Rule 3. The exporter shall provide all necessary facilities to the Agency to enable it to carry out such inspection.

IV. If, after inspection, the Agency is satisfied that the consignment of animal casings to be exported complies with the requirements of the specifications referred to in rule 3, it shall, issue a certificate declaring the consignment as exportworthy.

V. When the Agency is not so satisfied it shall refuse to issue such certificate and communicate such refusal to the exporter in writing alongwith the reasons thereof.

VI. Subsequent to certification, the Agency shall have the right to reassess the quality of the consignment at any place, storage, in transit or at the ports before the actual shipment.

VII. In the event of the consignment being found not conforming to the standard specifications at any of these stages, the certificate of inspection originally issued shall be withdrawn.

5. Cacking and marking.—I. An exporter intending to pack animal casings for export shall pack in standard packages or as per specific requirements of the buyer.

II. The following information shall be stencilled/printed on the packages :

- a. Name and address of the exporter;
- b. Name of the item and variety;
- c. Grade;
- d. Lot number and date of packing;
- e. Gross weight and net weight;
- f. Product of India;
- g. Shipping Marks.

6. Place of inspection.—Inspection for the purpose of these rules be carried out at the premises of the exporter where the goods are offered for inspection provided that adequate facilities exist therein for inspection.

7. Inspection fees.—The inspection fee to be paid by the processor/exporter under consignment wise inspection to the agency will be at the rate of 0.4% of f.o.b. value of the consignment.

NOTE.—The amount of inspection fee for such consignment payable by the exporter shall be rounded off to the nearest rupee and, for this purpose where such amount contains a part of a rupee then if such a part is fifty paise or more, it shall be increased to one rupee and if such part is less than fifty paise, it shall be ignored.

8. APPEAL.—(1) Any exporter aggrieved by the refusal of the Agency to issue the Certificate of inspection either as prescribed in Part I or Part II of these rules may within ten days of such refusal prefer an appeal to the said Agency which shall refer the same to a panel of experts consisting of not less than three but not more than persons appointed for the purpose by Central Government.

(2) A minimum of two-thirds of the total membership of the panel of experts shall be non-officials.

(3) The quorum for the panel shall be three.

(4) The appeal shall be disposed of within fifteen days from the date of its receipt.

ANNEXURE-I

1. COLLECTION AND TRANSPORTATION :

- 1.1. The intestines must be derived from healthy animals slaughtered in a slaughter house.
- 1.2. The transportation of intestines from the slaughter house to 'casings' processing plants has to take place under sufficient hygienic conditions which prevents infection and contamination of the intestines.
- 1.3. Cleaning of the intestines must be carried out immediately after slaughter of the animal.
- 1.4. The delay between collection, transportation and processing of intestines should be minimised to produce better quality animal casings.
- 1.5. Fermentation of intestines should be avoided as far as possible.

ANNEXURE-II

1. REQUIREMENTS OF ANIMAL CASINGS' PROCESSING PLANT :

1.1 PROCESSING ROOMS :

The rooms for processing of Animal casings must comprise of :

- 1.1.1 The premises of the casings processing plants should present an aesthetic appeal and should not emanate off odours.
- 1.1.2 The raw material handling and processing rooms should be separate from finished material handling and storage rooms.
- 1.1.3 The casings processing room should have adequate space for convenient and easy conduct of operations.
- 1.1.4 The flooring shall be impervious, non-slippery and washed daily with disinfectant. The floor should slope sufficiently for liquids to be drained off to trapped outlets protected by a grill.
- 1.1.5 The walls shall be tiled with white glazed ceramic tiles or light coloured coatings or hygienic panels upto a height of 1.5 meters to enable washing with hot water and chemical disinfectants.
- 1.1.6 Ceiling with light colour and adequate coating which does not rot.
- 1.1.7 Adequate ventilation.
- 1.1.8 Adequate natural or artificial lighting which does not distort colours.
- 1.1.9 The premises shall be maintained in sanitary condition and the drainage and plumbing system shall be efficient and well maintained. The water supply shall be ample and clean.
- 1.1.10 The rooms where the casings are processed will be free from dust etc. Facilities shall be provided in the premises for cleaning utensils and for cleaning hands of persons handling casings.
- 1.1.11 The waste/scraps should be kept in dustbin with an airtight lid which can be easily cleaned and disinfected.
- 1.1.12 It shall exclude the entry of dogs, cast rodents, insects, flies, crows, bats and vultures. The use of poisons or noxious herbs is forbidden in places where processing is carried out or any packed product is stored; and
- 1.1.13 At the end of each day a thorough cleaning programme should be followed.

2. EQUIPMENT :

- 2.1 For cleaning of tools, adequate water facility in the unit should be provided.
- 2.2 Proper equipment for protection against pests such as insects and rodents.
- 2.3 Instruments and working equipment such as sorting tables, cases, containers, conveyors or belts and knives are of such a material which can be easily cleaned/washed.
- 2.4 The equipment for storing the containers must be in good hygienic condition and have to secure that there will not be any contact of the merchandise even in containers with the floor or the walls.
- 2.5 Equipment for hygienic handling of the casings during loading and unloading may be used.
- 2.6 Wash basin with adequate supply of running water should be provided, and
- 2.7 Equipment and instruments used in processing/manufacturing of casings, must be carefully cleaned and washed several times during each working day if they have been contaminated and at the end of the day's work and before being used again. However, continuous production machines should only be cleaned when the work has been finished or in areas where contamination is suspected.

3. STAFF :

- 3.1 The highest possible standard of cleanliness shall be required of staff. All unsanitary practices should be avoided.
- 3.2 All persons entering the rooms in which work on animal casings is undertaken, must wear clean, light coloured and easy to wash working clothes and headgear fully covering the hair on heads. Staff engaged in processing of animal casings shall wash their hands several times during each working day, i.e. each time they resume work.
- 3.3 Eating, drinking, smoking shall be forbidden in work rooms and store rooms.
- 3.4 Persons who are ill or whose hands are cut and exposed likely to contaminate casings, shall be prohibited from working or handling, and
- 3.5 A medical fitness certificate shall be produced for every person working in processing of animal casings at the time of joining. It shall be renewed every year. It shall be produced to the inspecting officer as and when demanded.

4. GENERAL :

- 4.1 Rooms, instruments and working equipment must be used only for the preparation of the casings and if required to be used for any other purpose there shall be a gap of 24 hours after thorough cleaning and before animal casings are processed again.
- 4.2 For all purposes other than cleaning of floor, potable water must be used.
- 4.3 The use of detergents, disinfectants and pesticides must not affect the wholesomeness of the casings.
- 4.4 First aid kit should be available for the benefit of all the workers.
- 4.5 Washing and cleaning must take place under satisfactory hygienic conditions.
- 4.6 Casings should be stored under conditions which do not effect the quality of the casings.

4.6.1 In the case of sheep casings, these must be adequately salted and stored under proper conditions. Where longer period of storage (more than 10 days) is involved, these must be stored in refrigerated conditions.

4.6.2 In the case of cattle casings, after cleaning and processing the casings should be dried either in the sun or by heat process under hygienic conditions. Dried cattle casings should be stored under clean, dry and damp proof conditions. Preservatives like black pepper may be used for storage; and

4.7 Practices that results in contamination of casings should be avoided.

ANNEXURE-III

1. Procedure for registration of Animal Casings' processing Plants :

1.1 The exporters, desirous for export of animal casings to European Communities and other countries where Plant Registration and Certification is warranted, should get the plant registered with APEDA as per the procedures laid down hereunder.

2. Application for Registration :

2.1 Application may be made to Chairman, APEDA in the prescribed proforma as laid down in Schedule I. A copy of the procedure to be followed is obtainable from the office(s) of APEDA.

2.2 Application should be accompanied by Animal Castings Plant Data as laid down in Schedule II.

2.3 The application duly completed may be submitted either at the headquarters of APEDA at New Delhi or at any of its regional offices as per the addresses given in Schedule-III, who will forward the same to the headquarters.

2.4 The application should be accompanied by a declaration in the proforma laid down in schedule-IV that the manufacturer/exporter has complied with the sanitary and other requirements of animal casings' plants.

2.5 The application should be accompanied by a demand draft of Rs 500/- in favour of APEDA towards document processing and inspection charges.

2.6 The following additional documents should be submitted alongwith the application :

- (a) Lay out of the premises.
- (b) List of machinery and equipment in the premises.
- (c) Names and addresses of owners/partners/directors/trustees etc. alongwith documentary evidence.
- (d) Permission from the local municipal body to run the processing unit for animal casings.
- (e) Copy of the lease agreement in case the processing unit is being run on lease basis.
- (f) Confidential reports issued by financial institutions/banks mentioning the financial status of the manufacturers/exporter.
- (g) Certificate from a Govt. laboratory regarding potability of water used for processing of animal casings.
- (h) Medical fitness certificate for personnel engaged in the processing operation.

2.7 The application should be signed by the owner/partner/director/managing trustee duly authorised for the purpose and a documentary evidence/power of attorney/copy of the resolution, as the case may be, must accompany the application.

3. PLANT REGISTRATION PROCEDURE :

3.1 Preliminary scrutiny of the application will be carried out by APEDA and in case the application is in order, APEDA will forward a copy of the application to each member of the Plant Inspection Committee.

3.2 Physical inspection of the processing plant will be carried out for registration by a Plant Inspection Committee to be constituted by Chairman, APEDA, comprising of the following :

3.2.1 One representative of Deptt. of Animal Husbandry and Dairying, Ministry of Agriculture, Govt. of India.

3.2.2 One representative of Deptt. of Animal Husbandry of the State Govt.

3.2.3 One representative of Export Inspection Council/ Agency.

3.2.4 One representative of Directorate of Marketing and Inspection.

3.2.5 One representative of dried animal casings' exporters.

3.2.6 One representative of Sheep Casings Exporters' Association.

3.2.7 One representative of APEDA who shall be the convenor of the Committee.

3.3 Three members of the Committee shall form the quorum for inspection. In case, for any reason, the quorum is not complete, the inspection shall be carried out on a subsequent date which will be informed to the processor and/or exporter.

3.4 APEDA shall normally inform the processor and/or exporter one week in advance of the date of inspection for verification.

4 ISSUE OF PLANT REGISTRATION CERTIFICATE :

4.1 In case the Committee is satisfied that the animal casings plant conforms to the standards and recommends issue of a certificate, then the same shall be issued by APEDA in the proforma laid down under Schedule-V. The certificate will bear a Registration Number allotted by APEDA.

4.2 The certificate shall be prominently displayed in the processing unit.

4.3 Any change in the lay out, design or capacity of processing unit should be got approved by APEDA within 60 days of such a change.

4.4 The Plant Registration Certificate will be in addition to their registration with APEDA as an exporter of a scheduled product [as per Section 42(i) of the APEDA, Act]. The date of validity of the Plant Registration Certificate shall be specified on the certificate. In case no specific date is mentioned, the certificate shall be deemed to be valid upto 31st December of the year in which it is issued.

4.5 The animal casings plant shall be reinspected by the Committee for the purpose of renewal of the Certificate. The reinspection shall be carried out before expiry of validity of the certificate.

4.6 In case the processing of animal casings is carried out in a leased plant, the certificate shall be issued to the manufacturer/exporter who may be the lessee and not the owner of the plant. The validity of the certificate will be limited to the date of expiry of the lease agreement.

4.7 The manufacturer/exporter shall also comply with such other instructions as may, from time to time, be issued by APEDA.

5. REFUSAL/CANCELLATION OF CERTIFICATE :

5.1 The certificate issued under clause 4 may be refused or, cancelled or suspended provided that :

The animal casings plant does not conform to the prescribed standards as laid down under these rules;

There are any adverse reports from the financial institutions/banks against any of the owner/directors/partners/trustees or from the importers or importing countries ;

There is insufficient potable water at the premises;

Unsatisfactory arrangement for disposal of effluents ;

No valid licence from the local body or if the committee feels that the plant is situated at the place where it will be injurious to the inhabitants.

5.2 Refusal, cancellation or suspension of the certificate as the case may be, shall be communicated in writing specifying the reasons, to the exporter.

5.3 An aggrieved exporter may make another application to Chairman, Agricultural and Processed Food Products Export Development Authority for registration of his plant after satisfying that the deficiencies pointed out by the Committee, have been rectified. The reinspection of the plant shall be carried out in terms of para 5 above.

ANNEXURE-IV

1. PROCEDURE FOR CERTIFICATION OF ANIMAL CASINGS :

The inspection of animal casings for issue of Animal Health Certificate shall be done to verify the species of animal, nature of packaging, number of packages, net weight, cleanliness of casings, etc.

2. PLACE OF INSPECTION :

The inspection of animal casings for the purpose of these rules shall be carried out at the premises registered with the APEDA.

3. APPLICATION FOR CERTIFICATION :

An Exporter intending to export animal casings shall submit an application for issue of the Animal Health Certificate, giving particulars of the consignment proposed to be exported to the nearest office of the agency in the prescribed proforma as laid down in the Schedule-VI.

4. TIME LIMIT FOR INSPECTION :

4.1 For inspection of animal casings for local and out-station inspection, a two and three clear working days advance information, respectively shall be sent to the agency office.

4.2 Although every effort will be made to take up inspection as soon as possible after the receipt of intimation, no guarantee be given except that request will be entertained strictly in the chronological order of receipt of applications. In special cases, however, the Inspecting Officer may attend to inspection even with shorter notice, provided he is not otherwise occupied with urgent work.

[F. No. 6/1/96-EI&EP]
PRABH DAS, Director

SCHEDULE I

FORM OF APPLICATION FOR REGISTRATION OF ANIMAL CASINGS' PROCESSING PLANT

1. Name and address of the applicant :

2. Registration-cum-membership No. of APEDA.
3. Address of the processing plant.
4. Factory licence number and date, if any.
5. Name and address of the owner of the building (processing plant) if he/they are different from the applicant.
6. Date of expiry of lease agreement, if applicable.
7. Name and address of the financial institutions/banks who have financed the plant.
8. Details of Bank draft/cheque.

**APPLICANT OR
AUTHORISED SIGNATORY**

PLACE :

DATE :

VERIFICATION

I.....do hereby declare that to the best of my knowledge and belief, the above information is complete and correct and that I agree to abide by the conditions and standards laid down in this behalf.

**APPLICANT OR
AUTHORISED SIGNATORY**

DATE :

PLACE :

SCHEDULE-II

ANIMAL CASINGS' PLANT DATA

1. Name of the Processing Plant

2. Address

3. EXTERNAL INSPECTION

I. Surroundings (clean/unclean).

II. Whether situated near obnoxious industry like fish canning, tanneries, chemical plants, fertilizer plants releasing Hydrogen Sulphide etc.

III. Whether the plant is used for processing material other than animal casings.

IV. Condition of approach and service roads.

V. Whether boundary wall provided.

VI. Presence of birds, crows, vultures, etc. if any.

VII. Condition of drainage system, whether open or permanently installed underground.

VIII. Arrangement for disposal of waste material.

IX. Whether wash and change room for workers provided. if provided, number of toilets for each sex of workers and provision for water, soap, towels, etc.

X. Whether the external walls are properly plastered and free from crevices, holes, dampness, etc.

XI. Whether the entry is restricted and the entry (ies) and exit(s) provided with double doors having flyproofing and self closing devices.

XII. Whether the windows are flyproof.

XIII. Whether antiseptic/disinfectant foot wash is provided at the entrance.

4. INTERNAL INSPECTION

I. Whether the walls and ceilings are properly white washed.

II. Whether the floors, walls and ceilings are properly plastered with impervious material.

- III. Whether Fissures, holes crevices and dampness present.
- IV. Whether the walls are covered with washable coating or paint upto a height of atleast 2 meters. Whether the windows are at a sufficient height and away from working platforms/tables to avoid contamination by dust, accidentally broken glass panes.
- V. Whether sufficient care is being exercised to ensure that each worker before entering and leaving the factory, washes his hands properly.
- VI. Whether sufficient sign-boards indicating "do not spit and smoke" in the premises are displayed prominently.
- VII. Whether adequate lighting arrangements provided in the working area.
- VIII. Whether adequate exhaust fans provided.
- IX. Whether the processing area is free from cow webs and spiders.

5. WATER SUPPLY :

SOURCE : MUNICIPAL OR OPEN WELL(S) OR TUBE WELL(S)

- I. Whether adequate potable water supply with pressure is provided.
- II. Whether hot water (82 degree C) is available for sterilization of equipment.
- III. Condition of over head storage tank.
- IV. Is water treated separately, if so, system followed.

- V. Whether water is tested regularly for it's potability if so the frequency of testing.

6. PERSONNEL :

- I. Whether the staff is periodically examined for medical fitness if so, what is the periodicity.
- II. Whether the nails and hair are properly trimmed. Use of nail polish to be prohibited.
- III. Whether clean uniform cap, hand gloves and gum-boots provided.
- IV. Whether educated to observe personal hygiene.
- V. Whether informed that smoking, chewing, spitting in the processing area is prohibited.

7. EQUIPMENT :

- I. Condition of working equipment, etc. e.g. knives, hooks, cases, containers for storage of animal casings, tables and other cutting tools.
- II. Whether the equipment are cleaned and disinfected daily.
- III. Whether the equipment, utensils, trolleys used for inedible/waste material are properly marked so that they are not used for edible animal casings.

8. TRANSPORTATION :

- I. In case intestines/animal casings are sourced from outside sources, the names and addresses of the abattoirs from where these are sourced.

II. Transportation distance from abattoirs and mode of transportation of intestines/animal casings from abattoirs.

IV. I/We also declare that we will inform APEDA about any change in the ownership/management of the company and also the building of the processing plant.

SIGNATURE OF THE APPLICANT/
AUTHORISED SIGNATORY

PLACE :

DATE :

SCHEDULE III

ADDRESSES OF APEDA HEADQUARTER AND REGIONAL OFFICES

1. Agricultural and Processed Food Products Export Development Authority, Ansal Chamber-II, 3rd Floor, 6, Bhikaji Cama Place, New Delhi—110 066. Tel : 6192141/6192148/6192747 Tlx : 031-82061 EFDA IN Fax : 6195016
2. Bombay Office 12th Floor, Unit No. 1, MVIRDC Cuffe Parade, World Trade Centre, Bombay—400 005. Tel : 022-2183106/2189060 Fax : 022-2189681 Tlx : 011-83737 APED-IN
3. Bangalore Office 12/1/1, Palace Cross Road, Bangalore—560 020. Tel : 080-3343425 Fax : 91-80-3364560
4. Calcutta Office Mayukh Bhavan, Bidhan Nagar, Calcutta—700 091. Tel : 033-374244 Tlx : 21-2222 WBGT IN

SCHEDULE-IV

DECLARATION OF EXPORTER

- I/we,..... hereby declare that my/our animal casings, processing plant comply with all the sanitary and hygienic requirements laid down under Animal Casings (Quality Control & Inspection) Rules, 1996.
- I/We also declare that intestines are obtained from approved/slaughter houses/abattoirs.
- III. I/We declare that I/we possess the full authority and right to process/store animal casings, in the premises.....
(Address and to effect any structural and/or other modifications required to confirm to instructions issued by the APEDA from time to time.

SCHEDULE-V

THE AGRICULTURAL AND PROCESSED FOOD PRODUCTS EXPORT DEVELOPMENT AUTHORITY

MINISTRY OF COMMERCE, GOVT. OF INDIA)
CERTIFICATE OF PLANT REGISTRATION FOR ANIMAL CASINGS PROCESSING PLANT

This is to certify that the animal casings processing plant described below has been inspected by a Plant Registration Committee constituted by Agricultural and Processed Food Products Export Development Authority and existing facilities are considered adequate to meet the hygienic and sanitary conditions required for export :

1. Name of exporter
2. Registration No.
3. Location of the processing plant
4. Type of Animal Casings authorised for export. Certificate valid upto

Place : New Delhi For and on behalf of APEDA
Date : CHAIRMAN

ANSAL CHAMBERS-II, 3rd FLOOR, 6 BHIKAJI CAMA PLACE, NEW DELHI—66 TEL : 6192141, 6192148 FAX : 6195016

SCHEDULE-VI

APPLICATION FOR ISSUE OF
ANIMAL HEALTH CERTIFICATE

From

To

The Agency

Sir,

I request you to issue Animal Health Certificate for exporting the consignment of Animal Casings particulars of which are furnished below :

I. Identification of casings :		II. ORIGIN OF CASINGS
Casings of	(Species)	Address(es) and veterinary control number(s) of the approved establishment(s)
Nature of packaging		
Number of packages		
Net weight		
II. Origin of casings		III. DESTINATION OF CASINGS
Approved establishment		The casings will be sent from
(Plant Registration) No.		(Place of loading)
III. Destination of casings		to
The casings will be sent from	(place of loading)	(Country and place of destination)
	to	
	(country and place of destination)	
by the following means		By the following means of transport
Name and address of consignor		Number of the Seal (*)
Name and address of consignee		Name and address of consignor
		Name and address of consignee
Name	Yours faithfully, (Designation)	

SCHEDULE VII

**ANIMAL HEALTH CERTIFICATE
FOR ANIMAL CASINGS INTENDED FOR
DISPATCH TO THE EUROPEAN COMMUNITY**

Country of destination

Reference number of the health certificate

Exporting country

Responsible Ministry

Certifying Department

I. IDENTIFICATION OF CASINGS

Casings of

(species)

Nature of packaging

Number of Packages

Net Weight

IV. ATTESTATION

The undersigned official veterinarian certifies that the casings described above :

- (a) Come from plants approved by the competent authority.
- (b) Have been cleaned, scraped and — Salted (—) with Sodium Chloride for 30 days;
or
— Bleached (—);
or
— Dried after scraping (—);
- (c) Have undergone all precautions to avoid recontamination after treatment.

Done at, on,
(Place) (Date)

(Stamp) (Signature of the Official (X))

(Stamp)

(*) Optional

(—) Delete as appropriate

(X) The signature and the stamp must be in a colour different to that of the printing.

[F.No. 6/1/96—E1 & P[
PRABH DAS Director

नई दिल्ली, 4 नवम्बर, 1997

का.प्रा. 2949 निर्यात (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार मैसर्स मित्रा एस.के.प्रा.लि., 23-22-14 बीच रोड, विशाखापत्नम्-530001 को खनिज तथा अयस्क (ग्रुप-1) और (ग्रुप 2 के निर्यात से पूर्व निरीक्षण के लिए वाणिज्य मन्त्रालय की अधिसूचना सा.का.प्रा. 3975 तारीख 20-12-1965 और अधिसूचना सं. का.प्रा. 3978 तारीख 20-12-1965 में दी गयी अनुसूची के अनुसार 21-9-97 से प्रभावी और प्रागे तीन वर्ष की अवधि के लिए विशाखापत्नम से निर्यात के लिए एक अधिकारण के रूप में निम्नलिखित शर्तों के अधीन भान्यता प्रदान करती है अर्थात् :—

(i) मैसर्स मित्रा एस.के. प्रा. लि. विशाखापत्नम भिर्याति निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच के लिए पर्याप्त सुविधाएं उपलब्ध कराएगी ताकि (निरीक्षण) नियम, 1965 के नियम 4 के अंतर्गत अनियंत्रित तथा अव्यस्क (ग्रुप I) तथा (ग्रुप II) के निरीक्षण के लिए प्रभागणपत्र दिया जा सके।

(ii) मैसर्स मित्रा एस.के. प्रा.लि., विशाखापत्नम इस अधिसूचना के अंतर्गत अपने कृत्यों के पालन में ऐसे निर्देशों द्वारा आनंद होगी जो समय-समय पर निवेशक (निरीक्षण एवं क्वालिटी नियंत्रण) लिखित रूप में देंगे।

[फाइल सं. 5/26/97-ई.आई.एण्ड ई.पी.]

प्रभ दास, निवेशक

MINISTRY OF COMMERCE

New Delhi, the 4th November, 1997

S.O. 2949.—In exercise of the powers conferrd by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises for further period of three years with effect from 21-9-1997, M/s. Mitra S. K. Pvt. Ltd., 23/22/14 Bach Road, Visakhapatnam-530001, as an agency for the inspection of Minerals and Ores Group-I and (Group-II) specified in Schedule annexed to Ministry of Commerce Notification No. S.O. 3975 dated 20-12-1965 and Notification No. S.O. 3978, dated 20-12-1965 respectively prior to export at Visakhapatnam subject to the following conditions, namely:—

(i) that M/s. Mitra S. K. Pvt. Ltd., Visakhapatnam shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of Export of Minerals & Ores (Group-I) and (Group-II) (Inspection) Rules, 1965;

(ii) that M/s. Mitra S. K. Pvt. Ltd., Visakhapatnam in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Control) may give in writing from time to time.

[File No. 5/26/97-EI&EPI].
PRABH DAS, Director

भारत संसाधन विभास भवालय
(युवा कार्यक्रम और खेल विभाग)

नई दिल्ली, 4 अक्टूबर, 1997

का.आ. 2950.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिये प्रयोग) नियम 1976 के नियम 10(4) के अनुसरण में नेहरू युवा केन्द्र संगठन के 29 कार्यालयों (अनुबंध संलग्न) को जिनके कर्मचारीवृन्द ने हिन्दी का कार्यसाधक भान प्राप्त कर लिया है, अधिसूचित करती है।

[मि.सं. ई-11011/5/97-ह.ए.]
प्रबोप कुमार सिन्हा, संयुक्त सचिव

अनुबंध

क्र.सं.	कार्यालय का नाम	राज्य	क्षेत्र
1.	नेहरू युवा केन्द्र, सिहोर	मध्य प्रदेश	“क”
2.	नेहरू युवा केन्द्र, टीकमगढ़	मध्य प्रदेश	“क”
3.	नेहरू युवा केन्द्र, नरसाहपुर	मध्य प्रदेश	“क”
4.	नेहरू युवा केन्द्र, चम्बा	हिमाचल प्रदेश	“क”
5.	नेहरू युवा केन्द्र, नाहन	हिमाचल प्रदेश	“क”
6.	नेहरू युवा केन्द्र, बांका	बिहार	“क”
7.	नेहरू युवा केन्द्र, औरंगाबाद	बिहार	“क”
8.	नेहरू युवा केन्द्र, जोधपुर	राजस्थान	“क”
9.	नेहरू युवा केन्द्र, बाडेमेर	राजस्थान	“क”
10.	नेहरू युवा केन्द्र, बारां	राजस्थान	“क”

11. नेहरू युवा केन्द्र, मऊ	उत्तर प्रदेश	"क"
12. नेहरू युवा केन्द्र, देहरादून	उत्तर प्रदेश	"क"
13. नेहरू युवा केन्द्र, बलिया	उत्तर प्रदेश	"क"
14. नेहरू युवा केन्द्र, हमीरपुर	उत्तर प्रदेश	"क"
15. नेहरू युवा केन्द्र, पासीपत	हरियाणा	"क"
16. नेहरू युवा केन्द्र, गुडगांव	हरियाणा	"क"
17. नेहरू युवा केन्द्र, अम्बाला	हरियाणा	"क"
18. नेहरू युवा केन्द्र, रेवाड़ी	हरियाणा	"क"
19. नेहरू युवा केन्द्र, जालना	महाराष्ट्र	"ख"
20. नेहरू युवा केन्द्र, नासिक	महाराष्ट्र	"ख"
21. नेहरू युवा केन्द्र, डोडा	जम्मू व कश्मीर	"ख"
22. नेहरू युवा केन्द्र, राजौरी	जम्मू व कश्मीर	"ख"
23. नेहरू युवा केन्द्र, अलप्पी	केरल	"ग"
24. नेहरू युवा केन्द्र, बंगलौर	कर्नाटक	"ग"
25. नेहरू युवा केन्द्र, तुमकुर	कर्नाटक	"ग"
26. नेहरू युवा केन्द्र, संगठन, क्षेत्रीय कार्यालय, चित्तडुर्ग	कर्नाटक	"ग"
27. नेहरू युवा केन्द्र, गुलबर्गा	कर्नाटक	"ग"
28. नेहरू युवा केन्द्र, फतेहपुर	उत्तर प्रदेश	"क"
29. नेहरू युवा केन्द्र, संगठन, क्षेत्रीय कार्यालय, देहरादून	उत्तर प्रदेश	"क"

MINISTRY OF HUMAN RESOURCE DEVELOPMENT

(Department of Youth Affairs and Sports)

New Delhi, the 4th October, 1997

S.O. 2950.—In pursuance of rule 10(4) of the Official Languages (Use for Official Purposes of the Union) Rule 1976, the Central Government hereby notifies the following 29 offices (Annexure attached) of Nehru Yuva Kendra Sangathan the staff whereof have acquired working knowledge of Hindi.

[F.No. E-11011/5/97-H.U.]
PRADEEP KUMAR SINHA, Jt. Secy.

ANNEXURE

S. No.	Name of the Office	State/UT	Region
1	2	3	4
1. NYK, Sehore	Madhya Pradesh	"A"	
2. NYK, Tikamgarh	Madhya Pradesh	"A"	
3. NYK, Narsinghpur	Madhya Pradesh	"A"	
4. NYK, Chamba	Himachal Pradesh	"A"	
5. NYK, Nahan	Himachal Pradesh	"A"	
6. NYK, Banka	Bihar	"A"	
7. NYK, Aurangabad	Bihar	"A"	
8. NYK, Jodhpur	Rajasthan	"A"	
9. NYK, Barmer	Rajasthan	"A"	
10. NYK, Baran	Rajasthan	"A"	
11. NYK, Mau	Uttar Pradesh	"A"	
12. NYK, Dehradun	Uttar Pradesh	"A"	
13. NYK, Balia	Uttar Pradesh	"A"	
14. NYK, Hamirpur	Uttar Pradesh	"A"	
15. NYK, Panipat	Haryana	"A"	

1	2	3	4
16.	NYK, Gurgaon	Haryana	"A"
17.	NYK, Ambala	Haryana	"A"
18.	NYK, Rewari	Haryana	"A"
19.	NYK, Jalna	Maharashtra	"B"
20.	NYK, Nasik	Maharashtra	"A"
21.	NYK, Doda	Jammu & Kashmir	"B"
22.	NYK, Rajouri	Jammu & Kashmir	"B"
23.	NYK, Alleppy	Kerala	"C"
24.	NYK, Bangalore	Karnataka	"C"
25.	NYK, Tumkur	Karnataka	"C"
26.	NYKS, Regional office, Chitradurga	Karnataka	"C"
27.	NYK, Gulbarga	Karnataka	"C"
28.	NYK, Fatehpur	Uttar Pradesh	"A"
29.	NYKS, Regional office, Dehradun	Uttar Pradesh	"A"

(शिक्षा विभाग)

नई दिल्ली, 5 नवम्बर, 1997

का०ग्रा० 2951.—केन्द्रीय सरकार राजस्वाया (संघ के मरकारी प्रशोधनों के लिए व्रतों) के नियम 1976 के नियम 10 के उप-नियम (4) के अनुसरण में मानव संसाधन विकास मंत्रालय (शिक्षा विभाग) के अन्तर्गत निम्नलिखित केन्द्रीय विद्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

1. केन्द्रीय विद्यालय न० 3

वायु सेना भटिणा
(पंजाब)

2. केन्द्रीय विद्यालय,

पश्चिम विद्यालय,
दिल्ली।

3. केन्द्रीय विद्यालय न० 3

9 अस्थान मरम्मत जिलो,
वायु सेना केन्द्र,
पै०-411014

4. केन्द्रीय विद्यालय,

आर्द्ध एरिया,
द००५०५०० कॉम्प्लेक्स,
वानवड़ी रोड,
पुणे।

5. केन्द्रीय विद्यालय न० 2

धार रोड,
उद्यमपुर।

6. केन्द्रीय विद्यालय न० 1

उचमपुर।

7. केन्द्रीय विद्यालय,
आयुध नियंत्रण बालांगीर,
४०० ४०० बड़माल,
जिला-बालांगीर-७६७७७०
(उडीसा)8. केन्द्रीय विद्यालय,
आई० औ० ती०
गुवाहाटी रिपॉर्टरी,
नूनमाटी, गुवाहाटी-७८१०२०9. केन्द्रीय विद्यालय,
मारीगांव,
गुवाहाटी।10. केन्द्रीय विद्यालय,
बद्रमपुर (गंजाम)
उडीसा।11. केन्द्रीय विद्यालय,
आई० आई० टी०
खड़गपुर-७३१३०२12. केन्द्रीय विद्यालय न० ३
दोकारो रेलवे कालीदी,
दोकारो इस्पात नगर,
दोकारो।13. केन्द्रीय विद्यालय न० १
उपल हैदराबाद-३९[स० 11011/5/97-रा० आ० ५०]
निषेन्दु बोस्ता, निदेशक (राजस्वाया)

(Dept. of Education)

New Delhi, the 5th November, 1997

S.O. 2951.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for purposes of the Union) Rules, 1976 the Central Govt. hereby notifies of the following Kendriya Vidyalayas under the Ministry of Human Resources Development (Dept. of Education) more than 80% staff of which has working knowledge of Hindi :—

1. Kendriya Vidyalaya No. 3
Air Force Station Bhatinda
Punjab.
2. Kendriya Vidyalaya,
Paschim Vihar,
Delhi.
3. Kendriya Vidyalaya No. 3
9 V. R. D
Air Force Station
Pune.
4. Kendriya Vidyalaya,
Army Area,
D. A. D. Complex,
Vanvari Range,
Pune.
5. Kendriya Vidyalaya No. 2
Dhar Road,
Udhampur.
6. Kendriya Vidyalaya No. 1
Udhampur.
7. Kendriya Vidyalaya,
O. R. D. Fy. Balangir,
Ordnance Factory, Balangir,
P.O. Badmal
Dist. Balangir-767770
(Orissa)
8. Kendriya Vidyalaya,
I. O. C.
Guwahati, Refinery,
Noonmati, Guwahati-781020
9. Kendriya Vidyalaya,
Maligaon, Guwahati.
10. Kendriya Vidyalaya No. 3
Bokaro Rly. Colony,
Bokaro Steel City,
(Bokaro)
11. Kendriya Vidyalaya,
Barhampur (Ganjam)
Orissa
12. Kendriya Vidyalaya
I. I. T
Kharagpur-721302
13. Kendriya Vidyalaya,
Uppa, Hyderabad-39

[No. 11011-5/97-O.L.U
NISHENDU OJHA, Director (O.L)

स्वास्थ्य और परिवार कल्याण मन्त्रालय
(स्वास्थ्य विभाग)

नई दिल्ली, 31 अक्टूबर, 1997

का०ग्रा०-५२-भारतीय दन्त भरिष्ट से परामर्श करने के पश्चात्, केन्द्रीय सरकार, दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिनियम की अनुसूची के भाग 1 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अनुसूची के भाग 1 में क्रम सं० 43 और उससे संबंधित प्रविष्टियों के पश्चात्, निम्नलिखित क्रम सं० और प्रविष्टियां जोड़ी जाएंगी, अर्थात् :—

1

2

3

“44. पाण्डिचेरी विश्व-
विद्यालय पाण्डिचेरी ।

बैचलर ऑफ डेंटल सर्जरी

बी० डी० एस० पाण्डिचेरी, पांडिचेरी विश्वविद्यालय की बाबत यह
अर्हता मान्यता प्राप्त दन्त अर्हता तब होगी तब 1 सितम्बर,
1994 या इसके पश्चात् दी गई है)” ।

[सं० बी० 12025/17/95-पी एम एस]
सी० एल० भाटिया, अब्दर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 31st October, 1997

S.O. 2952.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consulting the Dental Council of India, hereby makes the following further amendment in Part I of the Schedule to the said Act, namely :—

In Part I of the said Schedule, after serial number 43 and the entries relating thereto, the following serial number and entries shall be added namely :—

1	2	3
“44, “44, Pondicherry University, Pondicherry.	Bachelor of Dental Surgery.	B. D. S. Pondicherry This qualification shall be a recognised dental qualification in respect of Pondicherry University when granted on or after 1st September, 1994”.

[No. V. 12025/17/95-PMS]
C.L. BHATIA, Under Secy.

द्वाया और उपभोक्ता मामले मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 4 नवम्बर, 1997

का.आ. 2953.—केन्द्रीय सरकार का निहित प्राधिकारी द्वारा उसे प्रस्तुन की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबंधों के प्रत्युत्तर हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाये रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रवत्त शक्तियों का प्रयोग करते हुए मध्यम यथार्थता वर्ग III की एम टी आर 1001 सिरीज टाईप के मैट्रो ब्रांड नाम वाले स्वतः सूचक गैर-सूचक गैर-स्वचालित इलैक्ट्रॉनिक प्लेटफार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैसर्स मैट्रो डिग्री, स्केल 6, साधना चेम्बर वरचला रोड, सूरत-395006 द्वारा किया गया है और जिसे अनुमोदन चिन्हन आई. एन डी./09/6/72 समनुदिष्ट किया गया है अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी अधिकतम क्षमता 50 किलोग्राम और न्यूनतम क्षमता 200 ग्राम है। सत्यापन मापमान अन्तर (ई) 10 ग्राम है। इसमें एक टेयर युक्ति है। जिसका व्यक्तिनात्मक प्रतिश्वारण टेयर प्रभाव 100 प्रतिशत है। भारतीय आयात कार सेशन का है जिसका आकार

800×400 मिलीमीटर है। प्रकाश उत्तर्जन डायोड संप्रदर्शी तोलन परिणाम उपदर्शित करता है। यह उपकरण 230 बोल्ट 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रदाय पर मंचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शर्कितयों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनियमित द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माडल का विनियमण, किया गया है, विनियमित 30 किलोग्राम/5 ग्राम, 120 किलोग्राम/20 ग्राम, 150 किलोग्राम/20 ग्राम, 200 किलोग्राम/50 ग्राम, 300 किलोग्राम/50 ग्राम, 500 किलोग्राम/100 ग्राम और 1000 किलोग्राम/200 ग्राम की अधिकतम क्षमता वाले समरूप भेक, यथार्थता और उसी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा. सं. डब्ल्यू. एम. 21(66)/95]

राजीव श्रीवास्तव, अपर सचिव

MINISTRY OF FOOD AND CONSUMER AFFAIRS

(Department of Consumer Affairs)

New Delhi, the 4th November, 1997

S.O. 2953.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of

approval of the Model of the self-indicating non-automatic electronic platform weighing instrument of type MTR-1001 series of class III (medium) accuracy with brand name "METRO" (hereinafter referred to as the Model) manufactured by M/s. Metro Digi Scale, 6, Sadhana Chamber, Varacha Road, Surat-395006, and which is assigned the approval mark IND/09/96/72;

The Model (see figure) is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 50kg and minimum capacity of 200g. The verification scale interval (e) is 10 grm. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of rectangular section of size 300×400 millimetre. The Light Emitting Diodes display indicates the weighing result.

The instrument operates on 230 volts, 50 Hertz alternate current power supply;

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of some series with maximum capacity of 30kg|5g,

120kg|20g, 150kg|30g, 200kg|50g, 300kg|50g, 500kg|100g and 100kg|200g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[F. No. MW 21(66)|95]
RAJIV SRIVASTAVA, Addl. Secy.



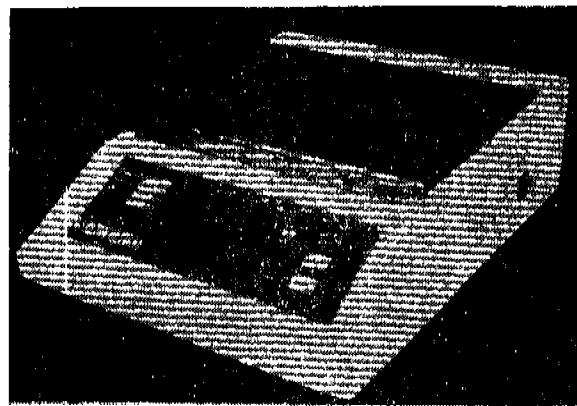
नई दिल्ली, 4 नवम्बर, 1997

का.आ. 2954—केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आँकृत देखए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में बणित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाये रखेगा और विभिन्न पारिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मध्यम यथार्थता वर्ग III की एम टी आर 1001 मिरीज टाईप के मैट्रो ड्रॉड नाम वाले स्वतः सूचक गैर-स्वचार (लित इलेक्ट्रॉनिक प्लेटफॉर्म तोलन उपकरण के माडल का (जिसे इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण मैमर्स भैट्टा डिजी, स्केल 6, साधना चेम्बर, वरच्छा ट्रोड, सूरत-395006 द्वारा किया गया है और जिसे अनुमोदन चिह्न आई.एन.डी./09/96/73 समन्विष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आँकृत देखए) एक उच्च यथार्थता (यथार्थता वर्ग II) का तोलन उपकरण है जिसकी अंधिकतम अमता 5.5 किलोग्राम और अनुनाम अमता 25 ग्राम है। सत्यापन मापमान अन्तर (ई) 500 मिलीग्राम है। इसमें एक टेयर युक्ति है जिसका व्यक्तिनामक प्रतिधारण टेयर प्रभाव 100 प्रतिशत है। भारतीय वर्गिकार संक्षण का है। जिसका आकार

250×250 मिलीमीटर है। प्रकाश उत्सर्जन डिपोड संप्रदर्श तोल परिणाम उपदर्शित करता है। यह उपकरण 230 बोल्ट 50 हर्ट्ज के प्रत्यावर्ती आरा विद्युत पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा व्रदत्त शर्कियों का प्रयोग करते हुए, यह घोषणा करती है कि माइल के अनुभोवन के इस प्रमाण प्रक्रिया के अन्तर्गत उसी विनियमिता द्वारा उसी सिद्धान्त डिजाइन के अनुसार और उसी सामग्री से, जिससे अनुमोदित माइल का विनियमित किया गया है विनियमित 300 ग्राम/10 मिलीग्राम, 320 ग्राम/20 मिलीग्राम, 550 ग्राम/50 मिलीग्राम, 750 ग्राम/50 मिलीग्राम, 2200 ग्राम/200 मिलीग्राम और 11000 ग्राम/1 ग्राम की अंधकृतम क्षमता वाले स्वरूप सेक, यथार्थता और उसी सीरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[फा.सं. डब्ल्यू.एम. 21(66)/95]

राजीव श्रीवास्तव, अपर सचिव

New Delhi, the 4th November, 1997

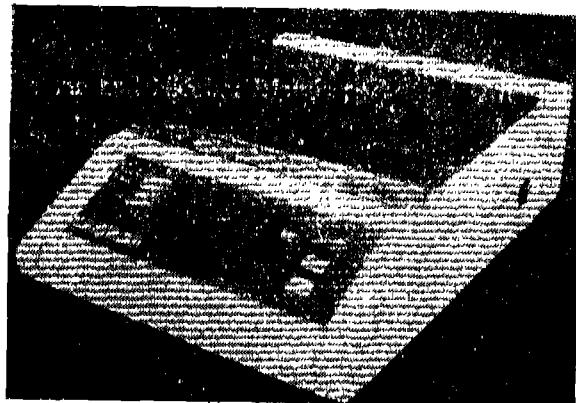
S.O. 2954.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model, is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic electronic table top weighing instrument of type MTR-101 series of class II (high) accuracy with brand name "METRO" (hereinafter referred to as the Model) manufactured by M/s. Metro Digi Scale, 6, Sadhana Chamber, Varachha Road, Surat-395006, and which is assigned the approval mark IND/09/96/73;

The Model (see figure) is a high accuracy (accuracy class II) weighing instrument with a maximum

capacity of 5.5 kg and minimum capacity of 25g. The verification scale interval (e) is 500 mg. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of

size 250×250 millimetre. The Light Emitting Diodes display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the Model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 300g|10mg, 320g|20mg, 550g|50mg, 750g|50mg, 2200g|200mg and

11000 g/1 g manufactured by the same manufacture in accordance with the same principle, design and with same materials with which, the approved has been manufactured.

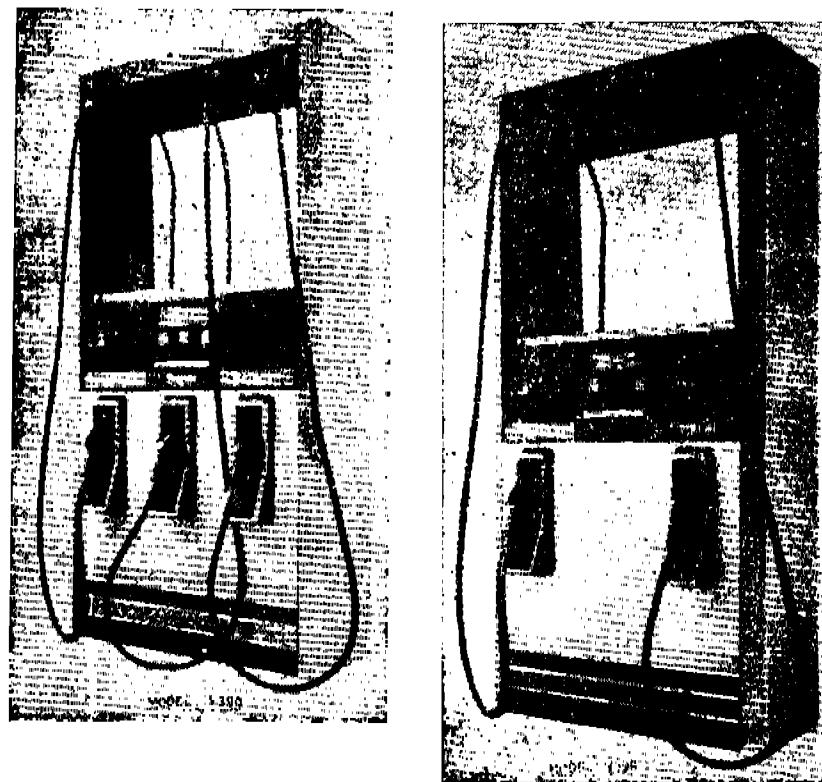
[F. No. WM 21(66)|95]
RAJIV SRIVASTAVA, Addl. Secy.

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 10 नवम्बर, 1997

का० आ० 2955—. केन्द्रीय सरकार का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट पर विचार करते के पश्चात् समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप हैं और इस बात की संभावना है कि वह सामान्य प्रयोग की अवधि में यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा ;

प्रतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए “वेने मल्टी ग्रेड डिस्पेक्शन पम्प्स” सिरीज के अंकीय संबद्धान वाले और “वेने विस्टा 390 तथा 399 मल्टी ग्रेड पम्प्स” ट्रेड नाम वाले पेट्रोलियम उत्पादों का परिदान करने के लिए बहुउद्दीय डिस्पेक्शन पम्पों के माडल (जिसमें इसके पश्चात् माडल कहा गया है) और जिसका विनिर्माण मैसर्स वेने डिविजन, इंसर इन्डस्ट्रीज इल्क, 124, वेस्ट कालेज एवन्यू पो० ३०० बार्स 1859, सलिस्बुरी, एमडी, 21801-1859 यू.एस.ए. और मैसर्स टेलटेक इन्स्ट्रूमेंटेशन प्राइवेट लि० 28/4, खरादी ओफिस नगर रोड, पुणे-411014 द्वारा भारत में विवरणित किया गया है और जिसे अनुमोदन चिह्न आई०एन०डी०/१३/९७/०१ समनुदिष्ट किया गया है, अनुमोदन प्रमाण-पत्र प्रकाशित करती है ।



माडल (आकृति देखिए) 'वेने विस्टा 390 और 399 मल्टीग्रेड, पम्प सिरीज के अंकीय संदर्श वाला पेट्रोलियम उत्पाद परिदान करने के लिए एक बहुउद्देशीय डिस्पेंसिंग पम्प है।

मशीन के तकनीकी व्यारे निम्नलिखित है :—

मशीन की तकनीकी विविधियाएं निम्नलिखित है :—

विनिर्माता

: 1. मैसर्स वेने लिविजन ड्रेसर इन्डस्ट्रीज, इंक, 124, वेस्ट कालेज एवन्यू, पो०ओ० वाक्स, 1859 सलिस्बुरी, एम डी 21801-1859 यू एस ए

उपकरण का नाम

: पेट्रोलियम उत्पादों परिदान करने के लिए बहुउद्देशीय डिस्पेंसिंग पम्पस

टाईप

: वेने विस्टा 390 और 399 मल्टी ग्रेड पम्पस

अधिकतम प्रबाहु दर

: 50 लीटर प्रति मिनिट नामीय

संप्रवर्शन मात्रा

: 0.01 लीटर की वृद्धि पर 999.99 लिटर

अंशाकान समायोजन

: 5 लीटर के परिदान में 5 मिलीलीटर के चरणों में

अंशाकानी रेज प्रदत्त

: 5 लीटर के परिदान पर + 100 मिलीलीटर

संप्रदर्शन यूनिट

: "भुगतान की रकम" के लिए 6 अंकीय प्रकाश उत्सर्जन सूचक संप्रदर्शन यूनिट मूल्य (प्रत्येक होज के ऊपर) के लिए चार अंकीय प्रकाश उत्सर्जन सूचक ।

"यूनिट" आहम रेज

: 99.99 रु० तक ।

"भुगतान की रकम" आहन रेज

: 9999.9 रु० तक ।

विद्युत प्रदाय

: 230 वोल्ट, 50 हर्टज ए० सी०

ताप रेज

: + 5 डिग्री सेंटीग्रेड से 40 डिग्री सेंटीग्रेड

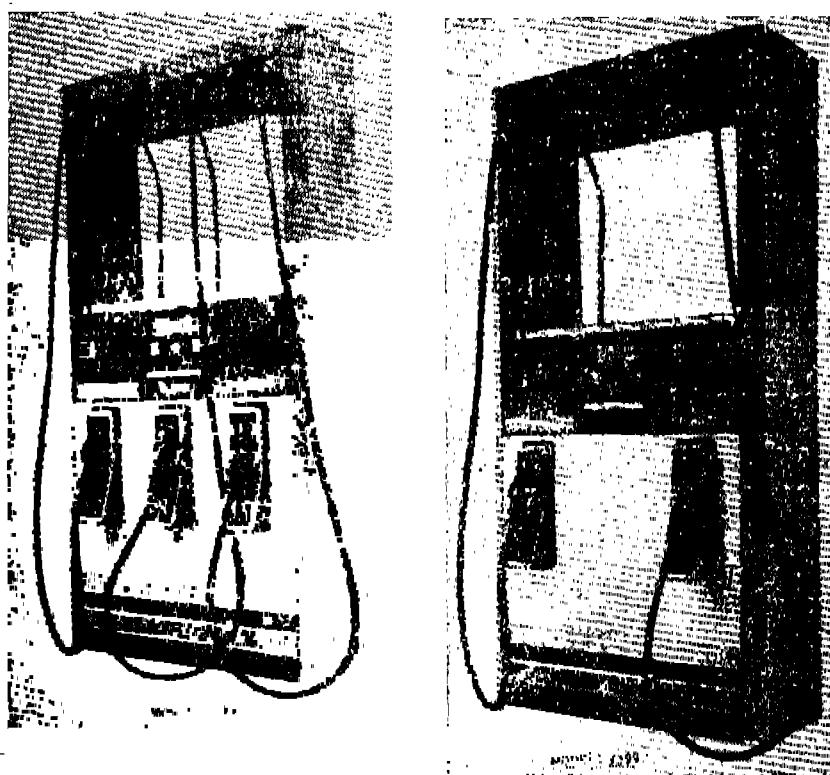
परिदान होज

: 5 मीटर से अन्यून स्वतः प्राप्ति सुविधा युक्त ।

New Delhi, the 10th November, 1997

S.O. 2955 Whereas, the Central Government after considering the report submitted to it by the prescribed authority is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore in exercise of the powers conferred by sub-section (7) of section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the Model of Multi-purpose dispensing pumps for delivery of petroleum products with digital display of "Wayne Multi-grade dispensing pump" series and with the trade name "WAYNE VISTA 390 and 399 MULTI-GRADE PUMPS" (hereinafter referred to as the Model), manufactured by M/s Wayne Division Dresser Industries, Inc, 124, West College Avenue P.O. Box 1159, Salisbury, MD, 21801-1859 USA and marketed in India by M/s Teltech Instrumentation Pvt. Ltd., 28.4, Kharadi Off Nagar Road, Pune-411014., and which is assigned the approval mark Ind/13/97/01,



The model (see figure) is Multi-purpose dispensing pumps meant for delivering petroleum products digital display of Wayne Vista 390 and 399 Multi-grade Pump series. The technical details of the machine are as follows :

The technical features of the machine are as follows :

Manufacturer

M/s Wayne Division,
Dresser Industries Inc,
124, West College Avenue,
P.O. Box 1859,
Salisbury, MD, 2180x-1859 USA

Name of the Instrument

Multi-purpose dispensing pumps to deliver petroleum products.

Type :-	WAYNE VISTA 390 and 399 MULTIGRADE PUMPS.
Maximum flow rate	50 liter per minute nominal.
Quantity display	999.99 liter in increment of 0.01 litre.
Calibration adjustments	In steps of 5ml in a delivery of 5 litre.
Range of calibration provided	+q100 ml on a delivery of 5 litre
Display Unit	Six digit LED indicator for "amount to pay" Four digit LED indicator for Unit Price display (above each hose).
"Unit "setting range	Upto Rs. 99.99.
"Amount to Pay" setting range	Upto Rs. 9999.9.
Power supply	230 v 50 Hertz a.c.
temperature range	+5°C to 40°C.
Delivery Hose	Less than 5 m with automatic retrieval facility.

File No. 21 (84) /96]

RAJIV SRIVASTAVA, Addl Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 3 नवम्बर, 1997

का.ओ. 2956.—केन्द्रीय सरकार राजभाषा (रुप) के शामिल प्रशोधनों के लिए प्रोग्रेस (नियम, 1970 के नियम 10 के उनियम (4) के अनुसरण में, नागर विमानन मंत्रालय के प्रशासनिक नियंत्रणालय पूर्वी श्वेत शंडियन एयरलाइंस के रांची नियंत्रण को, जिनके कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :—

[संख्या ई-11011, 8/95 हिन्दी]
रामनाथ सहाय, नियंत्रण (राजभाषा)

MINISTRY OF CIVIL AVIATION

New Delhi, the 3rd November, 1997

S.O. 2956.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language (Use for the Official Purposes of the Union) Rule, 1976, the Central Government hereby notifies Indian Airlines Ltd., Ranchi Station, Eastern Region under the Administrative Control of Ministry of Civil Aviation, the staff of which have acquired the working knowledge of Hindi.

[No. E. 11011/8/95-Hindi]
RAGHU NATH SAHAI, Director (O.L.).

(संस्कृति विभाग)
भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 11 नवम्बर, 1997

का.आ. 2957.—केन्द्रीय सरकार ने, प्राचीन संस्मारक तथा पुरातत्ववीय स्थल और अवशेष अधिनियम, 1958 (1958 का 24) जिसे इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) की अपेक्षानुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिसूचना सं.का.आ. 796 (अ) तारीख 12 नवम्बर 1996 द्वारा, जो भारत के राजपत्र, भाग 2, खण्ड 3 उपखण्ड (ii), तारीख 15 नवम्बर, 1996 में प्रकाशित की गई थी, अनुमूली में विनिर्दिष्ट संस्मारक को राष्ट्रीय महत्व का घोषित करते के अपने आशय को दो मास की सूचना दी थी और उम अधिसूचना की एक प्रति उक्त संस्मारक के समीप सहज दृश्य स्थान पर लगा दी गई थी।

और उक्त राजपत्र 4 दिसम्बर को जनता को उपलब्ध करा दिया गया था।

और केन्द्रीय भरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है।

अतः अब केन्द्रीय सरकार उक्त अधिनियम की धारा 4 की उपधारा (3), द्वारा प्रदत्त जकियों का प्रयोग करते हुए, इसमें उपावद्ध अनुमूली में विनिर्दिष्ट प्राचीन संस्मारक को राष्ट्रीय महत्व का होना घोषित करती है।

राज्य	जिला	तहसील	परिषेक	संस्थारक का नाम	संलग्न रेखांक के अनु- सार सरक्षण के अधीन समिलित किए जाने वाले राजस्व सं.
1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	शिमला	बाइस रीवल लॉज (राष्ट्रपति निवास)	खसरा सं. 32 खसरा सं. 33 खसरा सं. 34 खसरा सं. 35 खसरा सं. 36 खसरा सं. 37 खसरा सं. 38 खसरा सं. 39 खसरा सं. 40 खसरा सं. 41 खसरा सं. 42 खसरा सं. 43 खसरा सं. 44 खसरा सं. 45 खसरा सं. 46 खसरा सं. 47 खसरा सं. 48 खसरा सं. 49 खसरा सं. 50 खसरा सं. 51 खसरा सं. 52 खसरा सं. 53 खसरा सं. 54 खसरा सं. 55 खसरा सं. 56 खसरा सं. 57 खसरा सं. 58 खसरा सं. 59 खसरा सं. 60 खसरा सं. 61 खसरा सं. 62 खसरा सं. 63 खसरा सं. 64 खसरा सं. 65 खसरा सं. 66 खसरा सं. 68 खसरा सं. 73 खसरा सं. 79 खसरा सं. 80 खसरा सं. 81 खसरा सं. 82 खसरा सं. 83

वर्ग मीटर में क्षेत्र	स्वामित्व	सीमाएं	टिप्पणियाँ
7	8	9	10
438.87	केन्द्रीय सरकार	उत्तर : खसरा सं. 321, 323, 389, और रोड	केन्द्रीय लोक निर्माण विभाग के कठगाधीन खसरा संल्यास्त्रों का विवरण
77.88			
252.99			
274.70			
20.80			
1.44	केन्द्रीय सरकार	पूर्व खसरा सं. 459 वक्षिण खसरा सं. : 193, 252, 253, 254, 621, 622, 623, 624, 625, 838, 871, 872, 873, 874, 877, 979, 896, 895, पश्चिम खसरा सं.	32 से 43, 78 से 95, 194 से 208, 255 से 260, 320 से 328, 333 से 338, 470 से 493, 507, 523 528 से 620, 887 से 891, इंडियन इंस्टीट्यूट प्राफ एडवांस स्टडीज के कठगाधीन खसरा संल्यास्त्र 44 से 66, 68, 261 से 319, 329 से 332 हिमाचल प्रदेश विश्वविद्यालय शिमला द्वारा केन्द्रीय लोक निर्माण विभाग के कठगाधीन हिमाचल प्रदेश विश्वविद्यालय शिमला और केन्द्रीय लोक निर्माण विभाग के कठगाधीन खसरा संल्यास्त्र 494 से 506, 508 से 522, 524 से 527
17.64			
50.82			
1.00			
2659.62			
15548.34			
794.62			
1440.88			
130.80			
47.00			
853.04			
32.65			
13.33			
327.07			
6.88			
77.14			
39.65			
6.70			
56.03			
18.88			
36.66			
37.60			
23.50			
30.68			
335.12			
28.00			
16.20			
29.24			
5.78			
55.73			
21.12			
1373.28			
933.20			
1.44			
176.12			
1.44			
3.06			

1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	बाहस रीगल लॉज (राष्ट्रपति निवास)	खसरा तं. 84 खसरा सं. 85 खसरा सं. 86 खसरा सं. 87 खसरा सं. 88 खसरा सं. 99 खसरा सं. 90 खसरा सं. 91 खसरा सं. 92 खसरा सं. 93 खसरा सं. 94 खसरा सं. 95 खसरा सं. 194 खसरा सं. 195 खसरा सं. 196 खसरा सं. 197 खसरा सं. 198 खसरा सं. 199 खसरा सं. 200 खसरा सं. 201 खसरा सं. 202 खसरा सं. 203 खसरा सं. 204 खसरा सं. 205 खसरा सं. 206 खसरा सं. 207 खसरा सं. 208 एसरा सं. 255 खसरा सं. 256 खसरा सं. 257 खसरा सं. 258 खसरा स. 259 खसरा सं. 260 खसरा सं. 261 खसरा सं. 262 खसरा सं. 263 खसरा सं. 264 खसरा सं. 265 खसरा सं. 266 खसरा सं. 267 खसरा सं. 268 खसरा सं. 269 खसरा तं. 270 खसरा सं. 271 खसरा सं. 272 खसरा सं. 273	

7

8

9

10

44.85	केन्द्रीय सरकार		
24.00			
28.00			
20.60			
21.58			
21.50			
2.88			
210.74			
1613.34			
1441.12			
5555.34			
283.67			
21.06			
7.02			
3.80			
7.20			
90.83			
24.60			
6.72			
30.24			
65.45			
36.96			
182.75			
375.10			
3283.76			
50.46			
354.97			
1.21			
1.21			
888.00			
53.30			
14.15			
3445.22			
817.23			
389.06			
528.36			
7.98			
139.80			
100.52			
36.60			
5.00			
83.27			
1966.57			
130.90			
1.96			
858.99			

1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	शिमला	बाह्य रीगल लॉज (राष्ट्रपति गिरिहास)	बसरा सं. 274 बसरा सं. 275 बसरा सं. 276 बसरा सं. 277 बसरा सं. 278 बसरा सं. 279 बसरा सं. 280 बसरा सं. 281 बसरा सं. 282 बसरा सं. 283 बसरा सं. 284 बसरा सं. 285 बसरा सं. 286 बसरा सं. 287 बसरा सं. 288 बसरा सं. 289 बसरा सं. 290 बसरा सं. 291 बसरा सं. 292 बसरा सं. 293 बसरा सं. 294 बसरा सं. 294/1 बसरा सं. 295 बसरा सं. 296 बसरा सं. 297 बसरा सं. 298 बसरा सं. 299 बसरा सं. 300 बसरा सं. 301 बसरा सं. 302 बसरा सं. 303 बसरा सं. 304 बसरा सं. 305 बसरा सं. 306 बसरा सं. 307 बसरा सं. 307/1 बसरा सं. 308 बसरा सं. 309 बसरा सं. 310 बसरा सं. 311 बसरा सं. 312 बसरा सं. 313 बसरा सं. 314 बसरा सं. 315 बसरा सं. 316 बसरा सं. 317 बसरा सं. 318 बसरा सं. 319

7	8	9	10
6.90	केन्द्रीय सरकार		
72.72			
60.89			
46.35			
102.56			
7.12			
3689.14			
7.92			
71.89			
26.01			
8.60			
3.77			
61.42			
7.20			
49.84			
25.55			
7.20			
63.88			
3.24			
863.37			
141.16			
16.47			
23.90			
102.90			
44.46			
22.20			
63.40			
15.92			
50.25			
548.65			
21.12			
130.24			
43.83			
78.14			
37.42			
20.44			
1.44			
4.16			
63.16			
168.51			
8.80			
81.53			
61.33			
1010.96			
174.96			
5.39			
12.74			
2.89			

1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	शिमला	बाहस रीगल लॉन्च (राष्ट्रपति निवास)	बसरा सं. 320 बसरा सं. 321 बसरा सं. 322 बसरा सं. 323 बसरा सं. 324 बसरा सं. 325 बसरा सं. 326 बसरा सं. 327 बसरा सं. 328 बसरा सं. 329 बसरा सं. 330 बसरा सं. 331 बसरा सं. 332 बसरा सं. 333 बसरा सं. 334 बसरा सं. 335 बसरा सं. 336 बसरा सं. 337 बसरा सं. 338 बसरा सं. 339 बसरा सं. 340 बसरा सं. 341 बसरा सं. 342 बसरा सं. 343 बसरा सं. 344 बसरा सं. 345 बसरा सं. 346 बसरा सं. 347 बसरा सं. 348 बसरा सं. 349 बसरा सं. 350 बसरा सं. 351 बसरा सं. 352 बसरा सं. 353 बसरा सं. 354 बसरा सं. 355 बसरा सं. 356 बसरा सं. 357 बसरा सं. 358 बसरा सं. 359 बसरा सं. 360 बसरा सं. 361 बसरा सं. 362 बसरा सं. 363 बसरा सं. 364 बसरा सं. 365 बसरा सं. 366

7

8

9

10

3646.86 केन्द्रीय सरकार

2305.21

54.40

1030.52

911.77

75.04

1.21

697.52

92.89

59.80

686.63

91.43

1349.82

237.07

1.08

11.05

4.70

2.64

0.54

514.17

6.30

2.73

5.08

0.72

52.14

71.86

89.90

950.24

167.40

0.40

6.76

52.47

103.06

198.46

1.87

5.47

180.94

5.60

8.80

6.60

10.00

430.38

6.12

28.44

5.22

1.35

99.85

1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	शिमला	बाइस रोडल लॉज (राष्ट्रपति निवास)	बसरा सं. 367 बसरा सं. 368 बसरा सं. 369 बसरा लं. 370 बसरा सं. 371 बसरा लं. 372 बसरा सं. 373 बसरा सं. 374 बसरा सं. 375 बसरा दू. 376 बसरा लं. 377 बसरा सं. 378 बसरा दू. 379 बसरा सं. 380 बसरा सं. 381 बसरा सं. 382 बसरा सं. 383 बसरा सं. 384 बसरा सं. 385 बसरा सं. 386 बसरा कं. 387 बसरा नं. 388 बसरा नं. 470 बसरा लं. 471 बसरा दू. 472 बसरा सं. 473 बसरा लं. 474 बसरा दू. 475 बसरा सं. 476 बसरा सं. 477 बसरा लं. 478 बसरा सं. 479 बसरा सं. 480 बसरा लं. 481 बसरा लं. 482 बसरा लं. 483 बसरा लं. 484 बसरा सं. 485 बसरा सं. 486 बसरा लं. 487 बसरा लं. 488 बसरा सं. 489 बसरा सं. 490 बसरा लं. 491 बसरा सं. 492 बसरा लं. 493 बसरा सं. 494

7	8	9	10
1.00			
1.00			
1.00			
1.10			
1.50			
1.10			
33.04			
358.23			
133.08			
10.06			
33.23			
21.39			
66.60			
5.27			
1.21			
98.87			
240.58			
2.89			
37.51			
10.50			
6793.97			
1275.84 केन्द्रीय सरकार			
16.02			
6.62			
5.22			
9.44			
49.88			
42.75			
4.90			
7.11			
10.81			
10.39			
478.19			
34.88			
1189.59			
5.40			
47.50			
12.25			
5.60			
7.28			
9.73			
8.64			
9.00			
29.16			
1.98			
276.08			
63.60			

1	2	3	4	5	6
हिमाचल प्रदेश	शिमला	शिमला	शिमला	वाइस रीगल लाइज (राष्ट्रपति निवास)	बसरां. 495 बसरां. 496 बसरां. 497 बसरां. 498 बसरां. 499 बसरां. 500 बसरां. 501 बसरां. 502 बसरां. 503 बसरां. 504 बसरां. 505 बसरां. 506 बसरां. 507 बसरां. 508 बसरां. 509 बसरां. 510 बसरां. 511 बसरां. 512 बसरां. 513 बसरां. 514 बसरां. 515 बसरां. 515/1 बसरां. 516 बसरां. 517 बसरां. 518 बसरां. 519 बसरां. 520 बसरां. 521 बसरां. 522 बसरां. 523 बसरां. 524 बसरां. 525 बसरां. 526 बसरां. 527 बसरां. 528 बसरां. 529 बसरां. 530 बसरां. 531 बसरां. 532 बसरां. 533 बसरां. 534 बसरां. 535 बसरां. 536 बसरां. 537 बसरां. 538 बसरां. 539 बसरां. 540

7	8	9	10
	36.00		
134.58			
9.24			
37.12			
94.32			
1.80			
727.07			
18.60			
10.17			
25.56			
8.25			
13.30			
49.97			
6.27			
24.88 केन्द्रीय			
18.84 सरकार			
70.20			
36.26			
228.82			
6.16			
136.53			
159.09			
28.93			
166.71			
52.58			
121.83			
8.64			
12.61			
31.96			
28.40			
2.70			
16.02			
6.46			
34.74			
1.92			
749.36			
20.47			
417.79			
38.42			
71.40			
58.72			
67.58			
1.44			
5.10			
940.75			
0.56			
141.44			

1	2	3	4	5	6
हिमाचल प्रदेश	गिरिया	गिरिया	गिरिया	वार्ता शीगल लाल (राष्ट्रपति नियात)	
					खसरा सं. 541
					खसरा सं. 542
					खसरा सं. 543
					खसरा सं. 544
					खसरा सं. 545
					खसरा सं. 546
					खसरा सं. 547
					खसरा सं. 548
					खसरा सं. 549
					खसरा सं. 550
					खसरा सं. 551
					खसरा सं. 552
					खसरा सं. 553
					खसरा सं. 554
					खसरा सं. 555
					खसरा सं. 556
					खसरा सं. 557
					खसरा सं. 558
					खसरा सं. 559
					खसरा सं. 560
					खसरा सं. 561
					खसरा सं. 562
					खसरा सं. 563
					खसरा सं. 564
					खसरा सं. 565
					खसरा सं. 566
					खसरा सं. 567
					खसरा सं. 568
					खसरा सं. 569
					खसरा सं. 570
					खसरा सं. 571
					खसरा सं. 572
					खसरा सं. 573
					खसरा सं. 574
					खसरा सं. 575
					खसरा सं. 576
					खसरा सं. 577
					खसरा सं. 578
					खसरा सं. 579
					खसरा सं. 580
					खसरा सं. 581
					खसरा सं. 582
					खसरा सं. 583
					खसरा सं. 584
					खसरा सं. 585
					खसरा सं. 586

7	8	9	10
	623.03		
	145.40		
	103.71		
	19.82		
	62.68		
	2.76		
	0.81		
109.36	केन्द्रीय		
11.40	सरकार		
	1.50		
	62.75		
	1.35		
	1.44		
	58.58		
	19.10		
	88.55		
	1.82		
	1.90		
	1.90		
	39.12		
	5.06		
	21.75		
1578.19			
	14.56		
	65.40		
	42.77		
	11.04		
	12.84		
154.77			
	20.80		
	2.88		
	4.90		
	4.21		
	25.88		
	2.09		
	27.30		
	6.70		
	67.10		
	9.72		
255.29			
	9.10		
	14.16		
	15.62		
	1.62		
	3.00		
	6.85		

खसरा सं.	587
खसरा सं.	588
खसरा तं.	589
खसरा सं.	590
खसरा तं.	591
खसरा सं.	592
खसरा सं.	593
खसरा सं.	594
खसरा तं.	595
खसरा तं.	596
खसरा सं.	597
खसरा तं.	598
खसरा सं.	599
खसरा सं.	600
खसरा सं.	601
खसरा सं.	602
खसरभ तं.	603
खसरा तं.	604
खसरा तं.	605
खसरा तं.	606
खसरा तं.	607
खसरा तं.	608
खसरा तं.	609
खसरा सं.	610
खसरा सं.	611
खसरा सं.	612
खसरा सं.	613
खसरा तं.	614
खसरा सं.	615
खसरा सं.	616
खसरा सं.	617
खसरा तं.	618
खसरा सं.	619
खसरा तं.	620
खसरा सं.	887
खसरा तं.	888
खसरा सं.	889
खसरा तं.	890
खसरा सं.	891

7

8

9

10

5.74	केस्ट्रीय
69.77	चरकार
56.20	
1.60	
1.20	
1.21	
47.85	
132.02	
53.07	
3.00	
652.02	
87.51	
0.81	
91.93	
450.36	
213.80	
88.72	
863.77	
1.69	
404.95	
42.67	
98.72	
39.94	
196.39	
4.92	
78.24	
6.90	
5.40	
2.89	
135.78	
15.50	
46.98	
530.85	
1537.50	
110.96	
4.10	
297.65	
78.71	
800.76	

99565.24 वर्ग मीटर या 24.60 एकड़

DEPARTMENT OF CULTURE
ARCHAEOLOGICAL SURVEY OF INDIA
New Delhi, the 11th November, 1997
(ARCHAEOLOGY)

S.O. 2957.—Whereas by notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 796(E), dated the 12th November 1996 published in Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 15th November, 1996, the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule annexed hereto to be of national importance.

And whereas copy of the said notification was affixed in a conspicuous place near the said monument as required

by sub section (i) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas copies of the said Gazette notification were made available to the public on the 4th December 1996;

And whereas no objection have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said ancient monument to be of national importance.

SCHEDULE

State	District	Tehsil	Locality	Name of monument	Revenue numbers to be included under protection as per plan attached
1	2	3	4	5	6
Himachal Pradesh	Shimla	Shimla	Shimla	Vice Regal Lodge (Rashtrapati Niwas)	Khasra Number 32 Khasra Number 33 Khasra Number 34 Khasia Number 35 Khasra Number 36 Khasra Number 37 Khasra Number 38 Khasra Number 39 Khasra Number 40 Khasra Number 41 Khasra Number 42 Khasra Number 43 Khasra Number 44 Khasra Number 45 Khasra Number 46 Khasra Number 47 Khasra Number 48 Khasra Number 49 Khasra Number 50 Khasra Number 51 Khasra Number 52 Khasra Number 53 Khasra Number 54 Khasra Number 55 Khasra Number 56 Khasra Number 57 Khasra Number 58 Khasra Number 59 Khasra Number 60 Khasra Number 61 Khasra Number 62 Khasra Number 63 Khasia Number 64 Khasra Number 65 Khasra Number 66 Khasra Number 68 Khasra Number 78 Khasra Number 79

Area in Sq. Mtrs.	Ownership	Boundaries	Remarks
7	8	9	10
438.87	Central Government	North: Khasra Nos. : 321, 323	The Details of Khasra Nos : under the
77.88		389 and road	possession of Central Public Works
252.99		East : Khasra Nos : 459	Department 32 to 43, 78 to 95, 194 to 208
274.70			255 to 260, 320 to 328, 333 to 388, 470 to
20.80			493, 507, 523, 528 to 620, 887 to 891
1.44			
17.64			
50.82			
1.00			
2659.62			
15548.34			
704.62			
1440.88		South: Khasra Nos. 193, 252,	Khasra Nos : Under the Possession of
130.80		253, 354, 621, 622, 623, 624,	Indian Institute of Advanced study: 44 to
47.00		625, 838, 871, 872, 873, 874,	66, 68, 261 to 319, 329 to 332.
853.04		877, 879, 896, 895.	Under the possession of Central Public
32.65		West : Khasra Nos : 24 road,	Works Department and Himachal Pradesh
13.33		31 road, 95 road, 98, 193	University, Shimla 494 to 506, 508 to
327.07			522, 524 to 527.
6.88			
77.14			
39.65			
6.70			
56.03			
18.88			
36.66			
37.60			
23.50			
30.68			
335.12			
28.00			
16.20			
29.24			
5.78			
55.73			
21.12			
1373.28			
933.20			

1	2	3	4	5	6
Himachal Pradesh (Contd.)	Shimla (Contd.)	Shimla (Contd.)	Shimla (Contd.)	Vice Regal Lodge (Rashtrapati Niwas) (Contd.)	Khasra Number 80 Khasra Number 81 Khasra Number 82 Khasra Number 83 Khasra Number 84 Khasra Number 85 Khasra Number 86 Khasra Number 87 Khasra Number 88 Khasra Number 89 Khasra Number 90 Khasra Number 91 Khasra Number 92 Khasra Number 93 Khasra Number 94 Khasra Number 95 Khasra Number 194 Khasra Number 195 Khasra Number 196 Khasra Number 197 Khasra Number 198 Khasra Number 199 Khasra Number 200 Khasra Number 201 Khasra Number 202 Khasra Number 203 Khasra Number 204 Khasra Number 205 Khasra Number 206 Khasra Number 207 Khasra Number 208 Khasra Number 255 Khasra Number 256 Khasra Number 257 Khasra Number 258 Khasra Number 259 Khasra Number 260 Khasra Number 261 Khasra Number 262 Khasra Number 263 Khasra Number 264 Khasra Number 265 Khasra Number 266 Khasra Number 267 Khasra Number 268 Khasra Number 269 Khasra Number 270 Khasra Number 271 Khasra Number 272 Khasra Number 273 Khasra Number 274 Khasra Number 275 Khasra Number 276 Khasra Number 277 Khasra Number 278

7	8	9	10
1.44	Central Government		
176.12			
1.44			
3.06			
44.85			
24.00			
28.00			
20.60			
21.58			
21.50			
2.88			
210.74			
1613.34			
1441.12			
5555.34			
283.67			
21.06			
7.02			
3.80			
7.20			
90.83			
24.60			
6.72			
30.24			
65.45			
36.96			
182.75			
375.10			
3283.76			
50.46			
354.97			
1.21			
1.21			
888.00			
53.30			
14.15			
3445.22			
817.23			
389.06			
528.36			
7.98			
139.80			
100.52			
35.60			
5.00			
83.27			
1966.57			
130.90			
1.96			
858.99			
6.90			
72.72			
60.89			
46.35			
102.56			

1	2	3	4	5	6
---	---	---	---	---	---

Himachal Pradesh (Contd.)					Khasra Number 279
					Khasra Number 280
					Khasra Number 281
					Khasra Number 282
					Khasra Number 283
					Khasra Number 284
					Khasra Number 285
					Khasra Number 286
					Khasra Number 287
					Khasra Number 288
					Khasra Number 289
					Khasra Number 290
					Khasra Number 291
					Khasra Number 292
					Khasra Number 293
					Khasra Number 294
					Khasra Number 294/1
					Khasra Number 295
					Khasra Number 296
					Khasra Number 297
					Khasra Number 298
					Khasra Number 299
					Khasra Number 300
					Khasra Number 301
					Khasra Number 302
					Khasra Number 303
					Khasra Number 304
					Khasra Number 305
					Khasra Number 306
					Khasra Number 307
					Khasra Number 307/1
					Khasra Number 308
					Khasra Number 309
					Khasra Number 310
					Khasra Number 311
					Khasra Number 312
					Khasra Number 313
					Khasra Number 314
					Khasra Number 315
					Khasra Number 316
					Khasra Number 317
					Khasra Number 318
					Khasra Number 319
					Khasra Number 320
					Khasra Number 321
					Khasra Number 322
					Khasra Number 323
					Khasra Number 324
					Khasra Number 325
					Khasra Number 326
					Khasra Number 327
					Khasra Number 328
					Khasra Number 329
					Khasra Number 330
					Khasra Number 331

7	8	9	10
7.12	Central Government		
3689.14			
7.92			
71.89			
26.01			
8.60			
3.77			
61.42			
7.20			
49.84			
25.55			
7.20			
63.88			
3.24			
863.37			
141.16			
16.47			
23.90			
102.90			
44.46			
22.20			
63.40			
15.92			
50.25			
548.65			
21.12			
130.24			
43.83			
78.14			
37.42			
20.44			
1.44			
4.16			
63.16			
168.51			
8.80			
81.53			
61.33			
1010.96			
174.96			
5.39			
12.74			
2.89			
3746.86			
2305.21			
54.40			
1030.52			
911.77			
75.04			
1.21			
697.52			
92.89			
59.80			
686.63			
91.43			

1	2	3	4	5	6
---	---	---	---	---	---

Himachal Pradesh (Contd.)

Khasra Number 332
 Khasra Number 333
 Khasra Number 334
 Khasra Number 335
 Khasra Number 336
 Khasra Number 337
 Khasra Number 338
 Khasra Number 339
 Khasra Number 340
 Khasra Number 341
 Khasra Number 342
 Khasra Number 343
 Khasra Number 344
 Khasra Number 345
 Khasra Number 346
 Khasra Number 347
 Khasra Number 348
 Khasra Number 349
 Khasra Number 350
 Khasra Number 351
 Khasra Number 352
 Khasra Number 353
 Khasra Number 354
 Khasra Number 355
 Khasra Number 356
 Khasra Number 357
 Khasra Number 358
 Khasra Number 359
 Khasra Number 360
 Khasra Number 361
 Khasra Number 362
 Khasra Number 363
 Khasra Number 364
 Khasra Number 365
 Khasra Number 366
 Khasra Number 367
 Khasra Number 368
 Khasra Number 369
 Khasra Number 370
 Khasra Number 371
 Khasra Number 372
 Khasra Number 373
 Khasra Number 374
 Khasra Number 375
 Khasra Number 376
 Khasra Number 377
 Khasra Number 378
 Khasra Number 379
 Khasra Number 380
 Khasra Number 381
 Khasra Number 382
 Khasra Number 383
 Khasra Number 384
 Khasra Number 385

7

8

9

10

1349.82	Central Govt.		
237.07			
1.08			
11.05			
4.70			
2.64			
0.54			
514.17			
6.30			
2.73			
5.08			
0.72			
52.14			
71.86			
89.90			
950.24			
167.40			
0.64			
6.76			
52.47			
103.06			
198.46			
1.87			
5.74			
180.94			
5.60			
8.80			
6.60			
10.00			
430.38			
6.12			
28.44			
5.22			
1.35			
99.85			
1.00			
1.00			
1.00			
1.10			
1.50			
1.10			
33.04			
358.23			
133.08			
10.06			
33.23			
21.39			
66.60			
5.27			
1.21			
98.67			
240.58			
2.89			
37.51			

1	2	3	4	5	6
Himachal Pradesh (Contd.)					Khasra Number 386
					Khasra Number 387
					Khasra Number 388
					Khasra Number 470
					Khasra Number 471
					Khasra Number 472
					Khasra Number 473
					Khasra Number 474
					Khasra Number 475
					Khasra Number 476
					Khasra Number 477
					Khasra Number 478
					Khasra Number 479
					Khasra Number 480
					Khasra Number 481
					Khasra Number 482
					Khasra Number 483
					Khasra Number 484
					Khasra Number 485
					Khasra Number 486
					Khasra Number 487
					Khasra Number 488
					Khasra Number 489
					Khasra Number 490
					Khasra Number 491
					Khasra Number 492
					Khasra Number 493
					Khasra Number 494
					Khasra Number 495
					Khasra Number 496
					Khasra Number 497
					Khasra Number 498
					Khasra Number 499
					Khasra Number 500
					Khasra Number 501
					Khasra Number 502
					Khasra Number 503
					Khasra Number 504
					Khasra Number 505
					Khasra Number 506
					Khasra Number 507
					Khasra Number 508
					Khasra Number 509
					Khasra Number 510
					Khasra Number 511
					Khasra Number 512
					Khasra Number 513
					Khasra Number 514
					Khasra Number 515
					Khasra Number 515/1
					Khasra Number 516
					Khasra Number 517
					Khasra Number 518
					Khasra Number 519
					Khasra Number 520
					Khasra Number 521
					Khasra Number 522

7

8

9

10

16.50	Central
6793.97	Government
1275.84	
16.00	
6.62	
5.22	
9.44	
49.88	
42.75	
4.90	
7.11	
10.81	
16.39	
478.19	
34.88	
1189.59	
5.40	
47.50	
12.25	
5.60	
7.28	
9.73	
8.64	
9.00	
29.16	
1.98	
276.08	
63.60	
36.00	
134.58	
9.24	
37.12	
94.32	
1.80	
727.06	
18.60	
10.17	
25.56	
8.25	
13.30	
49.97	
6.27	
24.88	
18.84	
70.20	
36.26	
228.82	
6.16	
136.53	
159.09	
28.93	
166.71	
52.58	
121.83	
8.64	
12.61	
31.96	

Himachal Pradesh (Contd.)	Khasra Number 523
	Khasra Number 524
	Khasra Number 525
	Khasra Number 526
	Khasra Number 527
	Khasra Number 528
	Khasra Number 529
	Khasra Number 530
	Khasra Number 531
	Khasra Number 532
	Khasra Number 533
	Khasra Number 534
	Khasra Number 535
	Khasra Number 536
	Khasra Number 537
	Khasra Number 538
	Khasra Number 539
	Khasra Number 540
	Khasra Number 541
	Khasra Number 542
	Khasra Number 543
	Kharna Number 544
	Khasra Number 545
	Khasra Number 546
	Khasra Number 547
	Khasra Number 548
	Khasra Number 549
	Khasra Number 550
	Khasra Number 551
	Khasra Number 552
	Khasra Number 553
	Khasra Number 554
	Khasra Number 555
	Khasra Number 556
	Khasra Number 557
	Khasra Number 558
	Khasra Number 559
	Khasra Number 560
	Khasra Number 561
	Khasra Number 562
	Khasra Number 563
	Khasra Number 564
	Khasra Number 565
	Khasra Number 566
	Khasra Number 567
	Khasra Number 568
	Khasra Number 569
	Khasra Number 570
	Khasra Number 571
	Khasra Number 572
	Khasra Number 573
	Khasra Number 574
	Khasra Number 575
	Khasra Number 576
	Khasra Number 577
	Khasra Number 578

7

8

9

10

28.40	Central Government
2.70	
16.02	
6.46	
34.74	
1.92	
749.36	
20.47	
417.79	
8.72	
71.40	
58.72	
67.58	
1.44	
5.10	
940.75	
0.56	
141.44	
623.03	
145.40	
103.71	
19.85	
62.68	
2.76	
0.81	
109.36	
11.40	
1.50	
62.75	
1.35	
1.44	
58.58	
19.10	
88.55	
1.82	
1.90	
1.90	
39.12	
5.06	
21.75	
1578.19	
14.56	
65.40	
42.77	
111.04	
12.84	
154.77	
20.80	
2.88	
4.90	
4.21	
25.88	
2.09	
27.30	
6.70	
67.10	

Himachal Pradesh Contd.

Khasra Number 579
Khasra Number 580
Khasra Number 581
Khasra Number 582
Khasra Number 583
Khasra Number 584
Khasra Number 585
Khasra Number 586
Khasra Number 587
Khasra Number 588
Khasra Number 589
Khaera Number 590
Khasra Number 591
Khasra Number 592
Khasra Number 593
Khasra Number 594
Khasra Number 595
Khasra Number 596
Khasra Number 597
Khasra Number 598
Khasra Number 599
Khasra Number 600
Khasra Number 601
Khasra Number 602
Khasra Number 603
Khasra Number 604
Khasra Number 605
Khasran Number 606
Khasra Number 607
Khasra Number 608
Khasra Number 609
Khasra Number 610
Khasra Number 611
Khasra Number 612
Khasra Number 613
Khasra Number 614
Khasra Number 615
Khasra Number 616
Khasra Number 617
Khasra Number 618
Khasra Number 619
Khasra Number 620
Khasra Number 887
Khasra Number 888
Khasra Number 889
Khasra Number 890
Khasra Number 891

7	8	9	10
9.72			
255.29	Central		
9.10	Government		
14.16			
15.62			
1.62			
3.00			
6.85			
5.74			
69.77			
56.20			
1.60			
1.20			
1.21			
47.85			
132.02			
53.07			
3.00			
652.02			
87.51			
0.81			
91.93			
450.36			
213.80			
88.72			
863.77			
1.69			
404.95			
42.67			
98.72			
39.04			
196.39			
4.92			
78.24			
6.90			
5.40			
2.89			
125.78			
15.50			
46.98			
530.85			
1537.50			
110.96			
4.10			
297.65			
78.71			
800.76			

99565.24 Sq. mts or 24.60 Acres

[F. No. 2/10/96-M]

Satya Pal, Director (Administration)

(संस्कृति विभाग)

भारतीय पुरातत्व सर्वेक्षण

नई दिल्ली, 12 नवम्बर, 1997

का. ग्रा. 2958.—केन्द्रीय सरकार ने, प्राचीन संसारक तथा पुरातात्त्वीय स्थान आदि अद्येष्य अधिनियम, 195 (1958 का 24) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है की धारा 4की उपधारा (1) की अपेक्षा नुसार भारत सरकार के संस्कृति विभाग (भारतीय पुरातत्व सर्वेक्षण) की अधिकृतता भ. का आ. 3235 लारा 12 नवम्बर, 1996 हारा दो भारत के राजपत्र, भाग 2, खण्ड 3, उपखण्ड (ii), तारीख 23 नवम्बर, 1996 प्रकाशित की गई थी, प्रत्युत्ती में विनिर्दिष्ट संसारक को राष्ट्रीय समृद्धि का धौपित करने के अपने आप की दो मात्री नृत्याना दी थी और उस अधिकृतता की एक प्रति उक्त संसारक के समीप सहज दृग्य स्थिति पर लगा दी गई थी

आंग उक्त राजपत्र 17 दिसम्बर, 96 को जनता को उपनिधि करा दिया गया था।

आंग केन्द्रीय सरकार को जनता से कोई आक्षेप प्राप्त नहीं हुआ है।

यतः, अब बैन्द्रीय सरकार उक्त अधिनियम की धारा 4की उपधारा (3), हारा प्रदत्त शक्तियों का प्रयोग करते हुए इसमें उपावद अनुसूची में विनिर्दिष्ट प्राचीन संसारक को राष्ट्रीय समृद्धि का होना धौपित करनी है।

अनुसूची

जिला	तहसील	परिषेक उपसारक का नाम	वसरा	क्षेत्र एकड़	स्वामित्व देवटर	सीमाएं	
रायसेन	गोहर-गंज	भोजपुर प्रस्तर उत्कीर्णन	34	0. 96	0. 39	मध्य प्रदेश सरकार	उत्तर : बन भूमि पी. 819/का शेष भाग
		भोजपुर, तहसील गोहरगंज, जिला रायसेन		0. 92	0. 38	मध्य प्रदेश सरकार	दक्षिण : 46/2 का शेष भाग। बन भूमि पी. 819/खसरा सं. 40 और 38 का शेष भाग पूर्वी पी 819 बन भूमि का शेष भाग और खसरा सं. सं. 38
		रायसेन (भाग)	35				
			37	5. 825	2. 36	मध्य प्रदेश सरकार	मध्य प्रदेश सरकार 48
			38	1. 20	0. 49		
			पी-819	62. 50	25. 31	बन विभाग,	पश्चिम : वेतवा तकी खसरा सं.

71. 405 28. 93 कुल सरकारी क्षेत्र

[फा सं. 2/2/96—एम.]
मत्याल, निदेशक (प्रशासन)

DEPARTMENT OF CULTURE

ARCHAEOLOGICAL SURVEY OF INDIA

(ARCHAEOLOGY)

New Delhi, the 12th November, 1997

S.O. 2958.—Whereas by notification of the Government of India in the Department of Culture (Archaeological Survey of India) number S.O. 35, dated the 12th November, 1996, published Part II, Section 3, Sub-Section (ii) of the Gazette of India dated the 23rd November, 1996, the Central Government gave two months' notice of its intention to declare the monument specified in the Schedule annexed hereto, to be of national importance.

And whereas copy of the said notification was affixed in a conspicuous place near the said monument as required by sub-section (1) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958);

And whereas copies of the said Gazette Notification were made available to the public on 10th December, 1996.

And whereas no objection have been received to the making of such declaration from any person by the Central Government;

Now, therefore, in exercise of the powers conferred by sub-section (3) of Section 4 of the Ancient Monuments and Archaeological Sites and Remains Act, 1958 (24 of 1958), the Central Government hereby declares the said Ancient Monument to be of national importance.

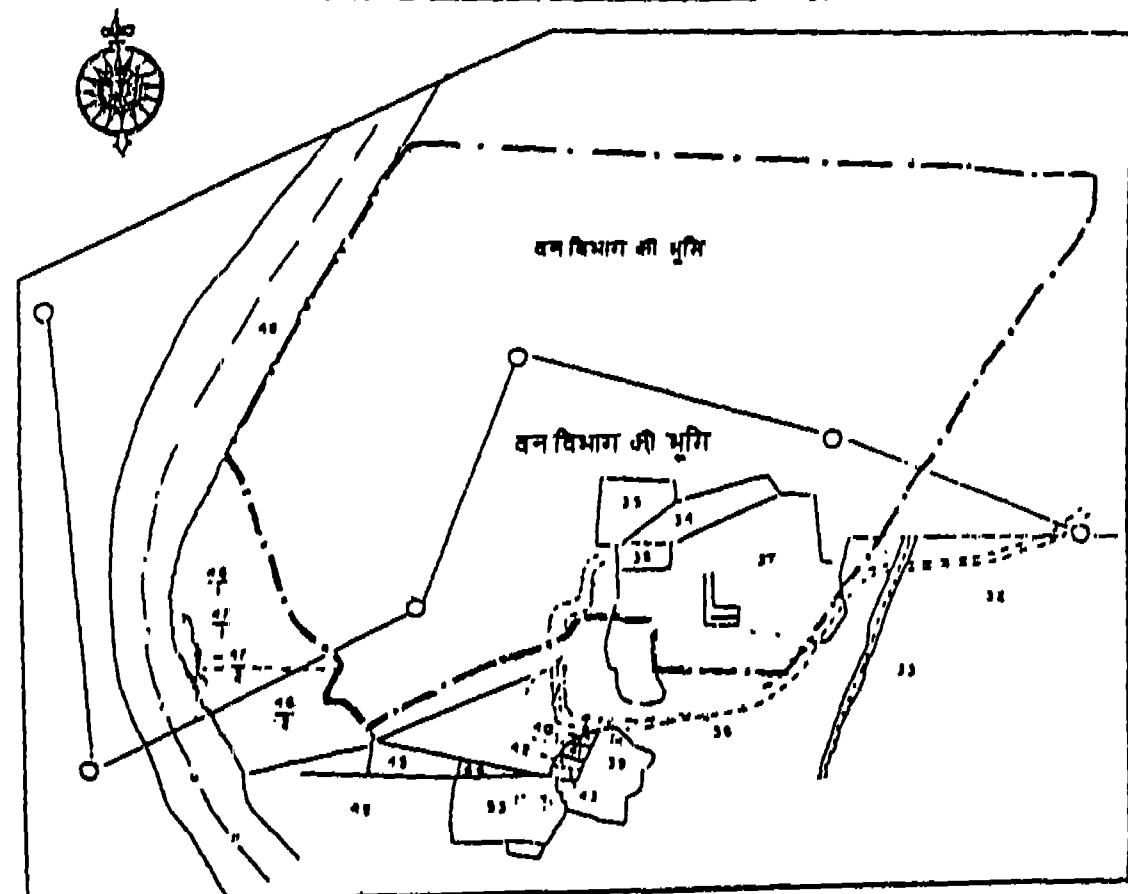
SCHEDULE

District	Tehsil	Locality	Name of Monument/ Site	Khasra Area		Ownership	Boundaries	Remarks
				Acre	Hectare			
Raisen	Goharganj Bhojpur	Ancient remains rocks engraving Bhojpur, Tahsil-Goharganj, District Raisen.	34 0.96 0.39	Government of Madhya Pradesh	North; Forest remaining part of P-819/VIII	The Siva Temple (Notified as Sasive temple)		
			35 0.92 0.38	Government of Madhya Pradesh	South remaining part of 46/2. Forest land	Khasra No. 36 (Area 0.35 Acre)		
			37 5.825 2.36	Government of Madhya Pradesh	P-819/VIII	0.15 Hectare)		
			38 1.20 0.49 (Part)	Government of Madhya Pradesh	Khasra No. 40 and remaining part of 38	is protected vide protection Notification on No. D. 250/5 A2 dated		
			P.819 62.50 25.31 VIII	Forest Department Government of Madhya Pradesh	East ; Remaining part of Forest land P-819/VIII and Khasra Number 38	12-2-1951 under section 3(1) of Ancient Monuments Act, 1904 by Government of India, Ministry of Education ; confirmed vide Notification No. D.250/51-A2 dated 10-5-1951.		
			71.405 28.93	Total Government Area				

(SITE PLAN REPRODUCED BELOW)

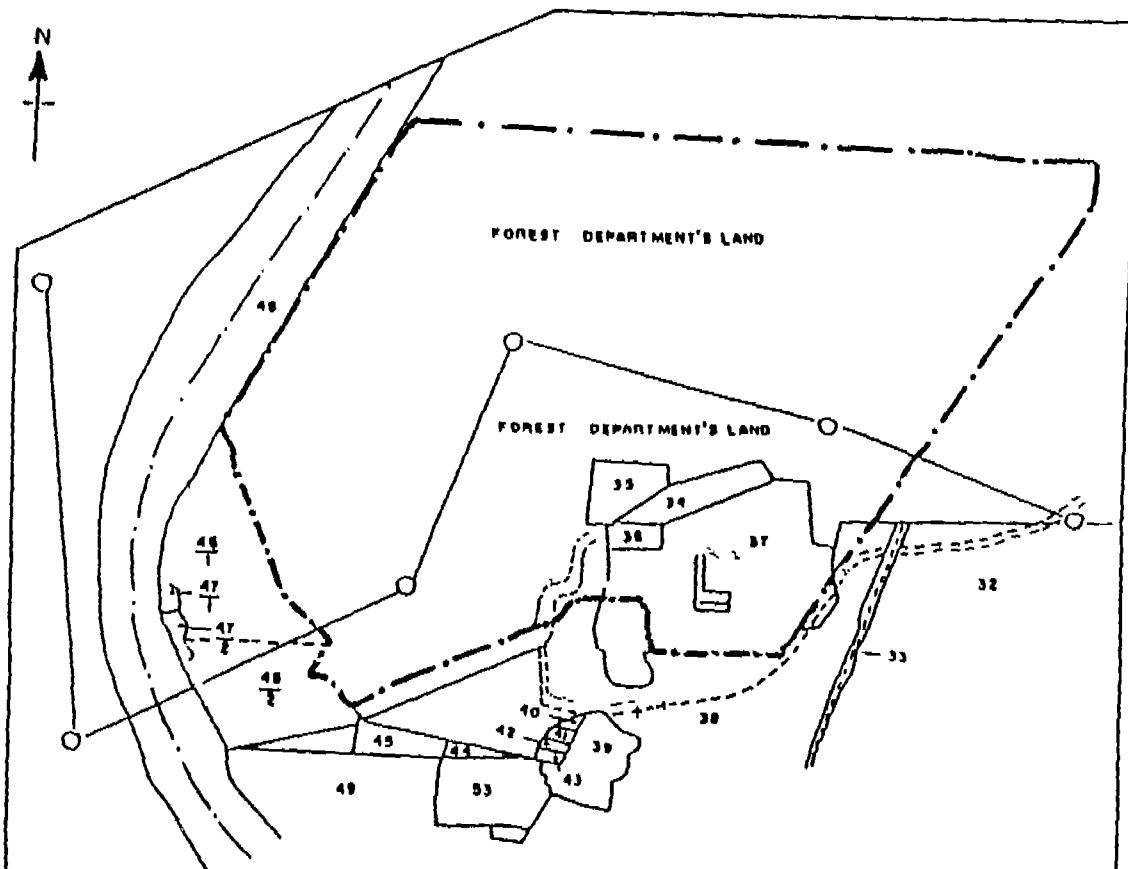
प्राचीन अवशेष शिला उत्कीर्णन का स्थल मानचित्र
भोजपुर, ताठसील: गौहरगंज जिला: रायसेन (म.प्र.)

० १०० २०० ३०० ४०० मीटर



SITE PLAN OF
ANCIENT REMAINS ROCK ENGRAVINGS
BHOJPUR, TAHSIL - GOHARGANJ, DISTRICT - RAISEN

100 190 290 390 METRES



विद्युत मंत्रालय

नई दिल्ली, 4 नवम्बर, 1997

का. आ. 2959.—भारतीय विजली नियम, 1956 (इसके आगे इन्हें उक्त नियम कहा गया है) के नियम-45 के उपनियम (1) के उपबन्ध द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, केवल सरकार एवं द्वारा आणविक ऊर्जा विभाग, भारत सरकार (इसके आगे इसे उक्त विभाग कहा गया है) तथा इसकी संबंधित यनिटों (1) भासा एटोमिक रिसर्च सेन्टर, मुम्बई (2) सेन्टर फॉर एडवांस टेक्नोलॉजी, इंदौर (3) इंदिरा गांधी सेन्टर फॉर एटोमिक रिसर्च, कल्पाक्कम, (4) वारियेल एनर्जी साइक्लोट्रोन सेन्टर, कलकत्ता, (5) अटामिक मिनरल्स डिवीजन, हैदराबाद (6) हैवी वाटर बोर्ड, मुम्बई, (7) न्यूक्लीयर फ्यूल काम्प्लेक्स, हैदराबाद (8) बोर्ड ऑफ रेडियेशन एण्ड आइसोटोप टेक्नोलॉजी, मुम्बई (9) डायरेक्टर ऑफ परवेस एण्ड स्टोर्म, मुम्बई (10) कंस्ट्रक्शन सर्विस एड ऐस्टेट मैनेजमेंट ग्रुप, मुम्बई (11) अनरल सर्विस आर्गेंन्टइजेशन, कल्पाक्कम, (12) टाटा इंस्टिट्यूट ऑफ फैडायमेंट रिसर्च, मुम्बई (13) टाटा मैमोरियल सेन्टर, मुम्बई (14) साहा इंसीटिट्यूट ऑफ न्यूक्लीयर फिजिक्स, कलकत्ता (15) इंगिटिट्यूट ऑफ फिजिक्स, भुवनेश्वर (16) इंसीटिट्यूट मैटेटिकल साईंस, चैम्बई (17) मेहना रिसर्च इंसीटिट्यूट ऑफ मैयामैटिक्स एण्ड मैयामैटिक्स किंजिस, इलाहाबाद (18) अटामिक एनर्जी एजुकेशन सोसाइटी, मुम्बई (19) इंस्टिट्यूट ऑफ ज्याज्मा रिसर्च, गांधीनगर (20) न्यूक्लीयर पावर कार्पोरेशन ऑफ इंडिया लि., मुम्बई, (21) इण्डियन रेयर अर्थ लिमिटेड, मुम्बई (22) युरेनियम कार्पोरेशन ऑफ इंडिया लिमिटेड, विहार और (23) इलेक्ट्रानक कार्पोरेशन ऑफ इंडिया लिमिटेड, हैदराबाद, को निम्नलिखित शर्तों के तहत उक्त उपनियम (1) के प्रावधानों से छूट प्रदान करती हैः—

- (1) यह कि उक्त विभाग उक्त नियमों में निर्दिष्ट सभी सुरक्षा सावधानियों की अनुपालन करेगा।
- (2) यह कि उक्त विभाग, उस विभाग से संबंधित तथा उक्त नियमों के नियम-4 के अंतर्गत निर्धारित योग्यता रखने वाले व्यक्ति के निरीक्षण के अंतर्गत अधिष्ठापना कार्य करेगा।
- (3) उक्त विभाग द्वारा किया गया सम्पूर्ण अधिष्ठापना कार्य उक्त नियमों के अन्य प्रावधानों के अनुसर होगा।

[फा. सं. 25/10/94-डी (एस ई बी)]
जिजि थामसन, निदेशक

MINISTRY OF POWER

New Delhi, the 4th November, 1997

S.O. 2959.—In exercise of the powers conferred by the proviso to sub-rule (1) of rule 45 of the Indian Electricity Rules, 1956 (hereinafter referred to as the said rules), the Central Government hereby exempts the Department of Atomic Energy, Government of India (hereinafter referred to as the said department) and its constituent units (1) Bhabha Atomic Research Centre, Mumbai, (2) Centre for Advance Technology, Indore, (3) Indira Gandhi Centre for Atomic Research, Kalpakkam, (4) Variable Energy Cyclotron Centre, Calcutta, (5) Atomic Minerals Division, Hyderabad, (6) Heavy Water Board, Mumbai, (7) Nuclear Fuel Complex, Hyderabad, (8) Board of Radiation and Isotope Technology, Mumbai, (9) Director of Purchase and Stores, Mumbai, (10) Construction Service and Estate Management Group, Mumbai, (11) General Services Organisation, Kalpakkam, (12) Tata Institute of Fundamental Research, Mumbai, (13) Tata Memorial Centre, Mumbai, (14) Saha Institute of Nuclear Physics, Calcutta, (15) Institute of Physics, Bhubaneswar, (16) Institute of Mathematical Science, Chennai, (17) The

Mehta Research Institute of Mathematics and Mathematical Physics, Allahabad, (18) Atomic Energy Education Society, Mumbai, (19) Institute of Plasma Research, Gandhinagar, (20) Nuclear Power Corporation of India Ltd., Mumbai, (21) Indian Rare Earths Limited, Mumbai, (22) Uranium Corporation of India Limited, Bihar, and (23) Electronic Corporation of India Limited, Hyderabad; from the provisions of said sub-rule (1) subject to the following conditions :

- (i) that the said department shall comply with all the safety precaution specified in the said rules.
- (ii) the said department shall carry out the installation works under the supervision of a person belonging to the said department and possessing the qualifications prescribed under rule 4 of the said rules; and
- (iii) all the installation work carried out by the said department shall be in accordance with the other provisions of the said rules.

[F. No. 25/10/94-D(SEB)]
JIJI THOMSON, Director

नई विस्तीर्णी, 7 नवम्बर, 1997

का. शा. 2960.—भारतीय विज्ञानी अधिनियम, 1910 (1910 का 9) की धारा 36 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, एतच्छारा श्री ए. एम. जोशी, मुख्य अधियक्ष (विद्युत निरी-क्षणालय प्रभाग) केन्द्रीय विद्युत प्राधिकरण, नई दिल्ली को केन्द्र सरकार तथा 1. संघ राज्य क्षेत्रों से संबंधित अधिकारी तथा सभी अधिष्ठापनालयों के मामले में, केवल तिम्ह बोलता अधिष्ठापनालयों को छोड़कर जिनकी विद्युत के क्रमिक प्राप्ति कर्त्तव्यों द्वारा जांच की जानी जारी रहेगी, विद्युत इन्सपेक्टर नियुक्त करते हैं :—

1. संघ शासित क्षेत्र अंडमान और निकोबार द्वीप समूहे, जण्डीगढ़, दावश नगर हवेली सभी अधिष्ठापन दमन और दीब, लक्ष्मीप, पाण्डुचेरी, और ग्राम्याचल प्रदेश, गोवा तथा शिवोरम राज्य।	सभी अधिष्ठापन
2. कृषि मंत्रालय	सभी अधिष्ठापन
3. रसायन एवं उर्वरक मंत्रालय	सभी अधिष्ठापन
4. नागर विभाग एवं पर्यटन मंत्रालय	सभी अधिष्ठापन
5. नगर प्राप्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय	सभी अधिष्ठापन
6. कौशला मंत्रालय	सभी अधिष्ठापन
7. वाणिज्य मंत्रालय	सभी अधिष्ठापन
8. संचार मंत्रालय	शाक एवं दूरसंचार विभाग को छोड़कर सभी अधिष्ठापन
9. रक्षा मंत्रालय	प्रिसिट्री इंजीनियरी सेवा तथा अध्यावेद केन्द्रीय को छोड़कर सभी अधिष्ठापन
10. पर्यावरण एवं बन मंत्रालय	सभी अधिष्ठापन
11. विदेश मंत्रालय	सभी अधिष्ठापन
12. विस मंत्रालय	सभी अधिष्ठापन
13. खाद्य मंत्रालय	सभी अधिष्ठापन
14. खाद्य प्रसंस्करण उद्योग मंत्रालय	सभी अधिष्ठापन
15. स्वास्थ्य एवं परिवार कल्याण मंत्रालय	सभी अधिष्ठापन
16. गृह मंत्रालय	सभी अधिष्ठापन
17. मानव संसाधन विकास मंत्रालय	सभी अधिष्ठापन
18. उद्योग मंत्रालय	सभी अधिष्ठापन
19. सूखना एवं प्रसारण मंत्रालय	सभी अधिष्ठापन

20. श्रम मंत्रालय	सभी अधिष्ठापन
21. विधि, न्याय एवं कंपनी कार्य मंत्रालय	सभी अधिष्ठापन न
22. खान मंत्रालय	सभी अधिष्ठापन
23. अपारंपरिक ऊर्जा व्रोत मंत्रालय	खान और तेल क्षेत्र को छोड़कर सभी अधिष्ठापन
24. संसदीय कार्य मंत्रालय	सभी अधिष्ठापन
25. कार्मिक, लोक शिकायत और पेशन मंत्रालय	सभी अधिष्ठापन
26. पेट्रोलियम और प्राकृतिक गैस मंत्रालय	खान और तेल क्षेत्र को छोड़कर सभी प्रातिष्ठान
27. योजना मंत्रालय	सभी अधिष्ठापन
28. विद्युत मंत्रालय	सभी अधिष्ठापन
29. कार्यक्रम क्रियान्वयन मंत्रालय	सभी अधिष्ठापन
30. ग्रामीण विकास मंत्रालय	सभी अधिष्ठापन
31. साइंस और टेक्नोलॉजी मंत्रालय	सभी अधिष्ठापन
32. स्टील मंत्रालय	सभी अधिष्ठापन
33. भूतल परिवहन मंत्रालय	सभी अधिष्ठापन
34. कपड़ा मंत्रालय	सभी अधिष्ठापन
35. शहरी विकास मंत्रालय	सभी अधिष्ठापन
36. जल संसाधन मंत्रालय	सभी अधिष्ठापन
37. कल्याण मंत्रालय	सभी अधिष्ठापन
38. परमाणु ऊर्जा विभाग	दानों को छोड़कर सभी अधिष्ठापन
39. विद्युत विभाग	सभी अधिष्ठापन
40. नागर विकास विभाग	सभी अधिष्ठापन
41. अंतरिक्ष विभाग	सभी अधिष्ठापन
42. मंत्रिमंडलीय सचिवालय	तभी अधिष्ठापन
43. राष्ट्रपति का सचिवालय	सभी अधिष्ठापन
44. प्रधानमंत्री कार्यालय	सभी अधिष्ठापन
45. अनुसूचित जाति और अनुसूचित जनजाति प्रायुक्त का कार्यालय	सभी अधिष्ठापन
46. केन्द्रीय सतकर्ता प्रायोग	सभी अधिष्ठापन
47. भारत का चुनाव प्रायोग	सभी अधिष्ठापन
48. मुख्यमंत्री कोर्ट	सभी अधिष्ठापन
49. संघ लोक सेवा प्रायोग	सभी अधिष्ठापन

New Delhi, the 7th November, 1997

S.O. 2960.—In exercise of the powers conferred by sub-section (1) of section 36 of the Indian Electricity Act, 1910 (9 of 1910), the Central Government hereby appoints Shri A. M. Joshi, Chief Engineer (Electrical Inspectorate Division), Central Electricity Authority, New Delhi to be Electrical Inspector in respect of all installations belonging to or under the control of the Central Government and the Union territories as specified below, except for the low voltage installations which shall continue to be inspected by the respective suppliers of the electricity ;—

1. Union territories of the Andaman and Nicobar Islands ; Chandigarh; Dadra Nagar Haveli; Daman and Diu; Lakshadweep; Pondicherry and the States of Arunachal Pradesh, Goa and Mizoram.	All installations
2. Ministry of Agriculture	All installations
3. Ministry of Chemicals and Fertilizers	All installations
4. Ministry of Civil Aviation and Tourism	All Installations
5. Ministry of Civil Supplies, Consumer Affairs and Public Distribution	All installations
6. Ministry of Coal.	All installations
7. Ministry of Commerce	All installations
8. Ministry of Communications	All installations except Post and Telecommunications Department
9. Ministry of Defence	All installations except Military. Engineering Service and Ordnance Factories.
10. Ministry of Environment and Forests	All installations
11. Ministry of External Affairs	All installations
12. Ministry of Finance	All installations
13. Ministry of Food	All installations
14. Ministry of Food Processing Industries	All installations
15. Ministry of Health and Family Welfare	All installations
16. Ministry of Home Affairs	All installations
17. Ministry of Human Resources Development	All installations
18. Ministry of Industry	All installations
19. Ministry of Information and Broadcasting	All installations
20. Ministry of Labour	All installations

21. Ministry of Law, Justice and Company Affairs	All installations
22. Ministry of Mines	All installations except Mines and Oil Fields
23. Ministry of Non-Conventional Energy Sources	All installations
24. Ministry of Parliamentary Affairs	All installations
25. Ministry of Personnel, Public Grievances and Pension	All installations
26. Ministry of Petroleum and Natural Gas	All installations except Mines and Oil Fields.
27. Ministry of Planning	All installations
28. Ministry of Power	All installations
29. Ministry of Programme Implementation	All installations
30. Ministry of Rural Development	All installations
31. Ministry of Science and Technology	All installations
32. Ministry of Steel	All installations
33. Ministry of Surface Transport	All installations
34. Ministry of Textiles	All installations
35. Ministry of Urban Development	All installations
36. Ministry of Water Resources	All installations
37. Ministry of Welfare	All installations
38. Department of Atomic Energy	All installations except Mines
39. Department of Electronics	All installations
40. Department of Ocean Development	All installations
41. Department of Space	All installations
42. Cabinet Secretariat	All installations
43. President's Secretariat	All installations
44. Prime Minister's Office	All installations
45. Office of the Commissioner for Scheduled Castes and Scheduled Tribes	All installations
46. Central Vigilance Commission	All installations
47. Election Commission of India	All installations
48. Supreme Court	All installations
49. Union Public Service Commission	All installations

अम विभाग
मई दिल्ली, 22 अक्टूबर, 1997

का. आ. 2961.—श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल रेलवे, शांसी के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदोगिक विवाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[संख्या एल-41011/12/88-डी-2बी]
सनातन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 22nd October, 1997

S.O. 2961.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Railway, Jhansi and their workman, which was received by the Central Government on the 21-10-97.

[No. L-41011/12/88-D.II.B]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT PANDU NAGAR, DEOKI PALACE ROAD KANPUR

Industrial Dispute No. 65 of 1996
Reference No. L-41011/12/88-D.II(B) dt. 19-7-89

In the matter of dispute between:
Secretary, INTUC, U.P.
2/36 Namneir Agra.

AND

Divisional Railway Manager
Central Railway Jhansi.

AWARD U/s. 33-A.

1. This is an application by Badruddin, Harish, Irshad and Aslam complaining that they have been dismissed from service during the pendency of I.D. No. 167 of 1989 and for acquiring temporary status as Monthly Rated Casual Labour against Central Railway Opposite Party. It appears that the concerned applicants, namely, Aslam Harish, Badruddin, Ram Khilari, Irshad, Bankey Behari Lal and Mahendra Singh, had raised I.D. No. 167 of 1989 for their claim for acquiring status of MRCL temporary. The case of the applicants is that during the pendency of this reference all of them were removed from service. However, Ram Khilari, Dashrath Bankey Behari and Mahendra Singh have been taken back in service. The remaining four workmen, the present applicants, have not been taken in service. By removing them from

service during the pendency of reference registered as I.D. No. 167 of 1989, the opposite party railway has changed the condition of service.

2. The opposite party railway have contested the case.

3. From the documents filed by the applicants it appears that in the year 1985, they had carried the matter before ALC(C) Delhi. Notice was ordered to be issued and it was during the pendency of conciliation proceedings that the applicants were removed from service. From the above narration of facts, it becomes clear that the applicant were removed much earlier to the registration of Industrial Dispute no. 167 of 1989. Hence, it is not correct to say that applicants were removed from service during the pendency of 167 of 1989. A bare perusal of section 33-A of I.D. Act would go to reveal that a workman can complain about breach of condition of service only when such charge is effected during the pendency of Industrial Dispute before the Tribunal. In the instant case such breach of condition by way of termination occurred much before registration of I.D. No. 167 of 1989. Obviously this application is not maintainable. Accordingly the application is rejected being not maintainable and the applicants are not entitled for any relief.

Dt. 3-10-1997.

B. K. SRIVASTAVA, Presiding Officer

मई दिल्ली, 22 अक्टूबर, 1997

का. आ. 2962.—श्रीदोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्डन रेलवे, लखनऊ के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदोगिक विवाद में केन्द्रीय सरकार श्रीदोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[संख्या एल-41012/5/90-प्राइवेट(डी.यू.)]

सनातन, डैस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2962.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway Lucknow and their workman, which was received by the Central Government on the 21-10-97.

[No. L-41012/5/90-IR(DU)]
SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL-CUM-LABOUR COURT PANDU NAGAR,

Industrial Dispute No. 251 of 1990

In the matter of dispute between:

Zonal working President

Northern Railway

Karmchari Union, 96/196 Roshan Bajaj Lane
Ganesh Ganj Lucknow.

AND

Divisional Railway Manager

Northern Railway

Lucknow.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-41012/5/90-IR(DU) dated 24-10-90, has referred the following dispute for adjudication to this Tribunal --

Whether the DRM Northern Railway is justified in not promoting Sri Sita Ram Electric Pump Driver Fazalganj Kanpur as highly skilled Grade II w.e.f. 1-1-84? If not to what relief he is entitled to?

2. In his claim statement concerned workman Sitaram has alleged that the opposite party railway has not promoted him in Grade II Oil Engine Driver whereas juniors to him Abdul, Suhani, Ram Dutt Moti Lal and Jangali Prasad have been promoted w.e.f 1-1-84. His trade test was taken on 21-3-86, still he has not been promoted and no result has been declared. He is entitled for promotion w.e.f. 1-1-84 when juniors to him were promoted.

3. No doubt the opposite party has filed written statement but nothing has been said about the result of trade test. Only technical objection like the claim petition is not maintainable has been taken.

4. In my opinion, the concerned workman is not entitled for any relief on its own showing. Perhaps he has sought promotion because juniors to him been promoted on the principle of NEXT BELOW RULE, I am afraid this rule is not applicable in the case of promotion. Further promotion is accorded only when a certain workman of category clears trade test for higher category. It is the own case of the concerned workman that sofar he has cleared the trade test although trade test was taken. Simply because result has not been declared it would not entitle the concerned workman for automatic promotion.

5. In the end my award is that as the concerned workman so far has not cleared the test the concerned workman is not entitled for promotion as Electric Pump Driver w.e.f. 1-1-84. However, I would direct the railway to declare the result of trade test if it had actually taken place on 21-3-84.

Dated : 3-10-1997.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 22 अक्टूबर, 1997

का. प्रा. 2963-श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोटिस रेलवे, लखनऊ के प्रबन्धताल के संबद्ध नियोजकी और उनके कर्मकारों के बीच, अनुबंध में निविष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[संख्या एल-41012/5/91-आईआर (डी पू)]

सनातन, डेस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2963.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Lucknow and their workman, which was received by the Central Government on the 21-10-97.

[No. L-41012/5/91-IR(D.U.)]

SANATAN, Desk Officer

ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, PANDU NAGAR, KANPUR.

Industrial Dispute No. 154 of 1991.

In the matter of dispute :

BETWEEN :

Zonal Working President,

Uttar Railway Karamchari Union,
96/196 Roshan Bajaj Lane Ganeshganj,
Lucknow.

AND

Dy. Chief Electrical Engineer (W),
Northern Railway, Lucknow.

APPEARANCE :

D. P. Awasthi for the Union and
Hamid Qureshi, for the Railway, opposite
party.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. 41012/5/91-I. R. D. U., dated 25-9-1991 has referred the following dispute for adjudication to this Tribunal :—

“Whether Dy. CEE(W) Northern Railway Lucknow was justified in removing Shri Udai Singh Mason under SS/CPH Lucknow w.e.f. 10-12-1983 ? If not, what relief the workman was entitled ?”

2. The concerned workman Udai Singh was working as SS Mason under CPH shop Suptd. Lucknow of the opposite party Northern Railway. He was issued a charge-sheet dated 30-9-1981 by the Dy. Chief Electrical Engineer which runs as under :—

CHARGE NO. 1 :

That said Shri Udai Narain T. No. 62/CPH SS/ Messon while functioning Masson under principal forman CPH Lucknow at about 12/15 hrs. on 24-9-1981 entered in the room of foreman alongwith Shri S. K. Sen T. No. 53/CPH and started throwing papers and files which were kept over the table in presence of Shri Virendra Kumar Sr. Clerk CPH Lucknow and Shri K. K. Saxena T. No. 143/CPH Shri Udai Singh T. No. 62/CPH was looked over drunk and was also abusing Shri M. N. Pandey MAEE (I)/Lucknow.

CHARGE NO. 2 :

That said Shri Udai Singh T. No. 62/CPH SS Masson after creating trouble in CPH/LKO entered DT-CEE's office at 12.45 hrs. on 24-9-1981 and was intoxicated abusing loudly using filthy language for officers and staff and thereafter he entered in the chamber of Dy. CEE's also. The RPF man from the gate were called and they led him away to RPF Post Loco/CS.

One R. C. Awasthi an officer of the management was appointed enquiry officer. He submitted his report after completing enquiry on 16-9-1980 holding that charge of remaining in intoxication was not proved while other acts of misconduct were proved. On the basis of this enquiry report disciplinary authority had ordered for dismissal of the concerned workman vide order dated 10-12-1987. Feeling aggrieved he has raised the instant industrial dispute.

3. In the claim statement it was denied that the enquiry was not fairly and properly held. It was also alleged that the concerned workman had actually committed the above misconduct. On the pleadings of the parties a preliminary issue regarding fairness and propriety of domestic enquiry was framed. Vide finding dated 16-7-1997 it was held that enquiry was fair and proper. Thereafter, the case was fixed for deciding the question of quantum of punishment.

4. I have heard both sides on the question of punishment. I am of the opinion that the misconduct committed by the concerned workman was grave one and it requires different punishment so that other may be afraid of committing such misconduct.

5. In view of this I come to the conclusion that dismissal from service was justified. Consequently, the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 22 अक्टूबर, 1997

का.आ. 2964.—श्रोदोगिक विवाद अधिनियम, 1947 (1947 का 14) की बारा 17 के अनुमति में, केन्द्रीय सरकार नोर्दन रेलवे, इलाहाबाद के प्रबन्ध तंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रोदोगिक विवाद में केन्द्रीय सरकार श्रोदोगिक अधिकारण, कानपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[संख्या एल-41012/23/95-आईआर (बी)]
सनातन, डैस्क अधिकारी

New Delhi, the 22nd October, 1997

S.O. 2964.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Northern Railway, Allahabad and their workman, which was received by the Central Government on 21-10-1997.

[No. L-41012/23/95-IR (B)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NAGAR, KANPUR.

Industrial Dispute No. 45 of 1996.

In the matter of dispute,

BETWEEN :

Zonal Working President,
Northern Railway Karamchari Union,
96/195 Roshan Bajaj Lane,
Ganesh Ganj, Lucknow.

AND

Divisional Railway Manager,
Northern Railway,
Allahabad.

APPEARANCE :

Shri Hamid Quraishi for the Management.

Shri D. N. Tiwari for the Workman.

AWARD

1. Central Government Ministry of Labour, New Delhi vide its Notification No. L-41012/23/95-I.R (B), dated 29-3-1996 has referred the following dispute for adjudication to this Tribunal :

“Whether the management of Northern Railway is just in refusing regularisation of employment of Shri Shiv Sagar S/o. Shri Ghagwan Das as a regular fitter in the

open line at present employed as ad-hoc fitter under C.T.F.O. (Construction) of the management? If not, to what relief the worker concerned is entitled to?"

2. The concerned workman Shiv Sagar in his claim statement has alleged that he was as Electric Khalasi on 21-11-1980. He was given temporary status w.e.f. 1-1-1984 in the grade of 196—232. Work of Electric Fitter is being taken from him w.e.f. 15-9-1984 and he has also been promoted in the pay scale of 950—1500 by order dated 1-1-1987 as T. S. Filter. Since he had continuously worked as Electric Fitter from 15-9-1984 he is entitled for regularisation as Fitter w.e.f. 15-9-1984.

3. The opposite party has filed reply in which it has been alleged that he was engaged as casual Fitter by way of local temporary arrangement. It is denied that work was taken continuously w.e.f. 15-9-1984.

4. In the rejoinder nothing new has been said.

5. The only point which needs consideration is as to whether the concerned workman had worked as Electric Fitter from 15-9-1984 continuously. On this point there is oral evidence of the concerned workman. Beside there is Ext.-W-2 promotion letter dated 8-5-1989 which shows that concerned workman has been promoted and his name appear at Sl. No. 44. Ext.-W-3 is the medical report dated 12-9-1996. And Ext.-W-4 is the wage Slip of 1996. None of these paper help the case of the concerned workman. There is only bald statement of the concerned workman. In my opinion it is not enough to prove that the concerned workman had worked as electric fitter w.e.f. 15-9-1984. Hence he is not entitled for regularisation from this date for want of proof. I award accordingly.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 22 अक्टूबर, 1997

का.प्रा. 2965.—भौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नोर्थन ईस्ट रेलवे, लखनऊ के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट भौद्योगिक विवाद में केन्द्रीय सरकार भौद्योगिक अधिकरण कानपुर, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-97 को प्राप्त हुआ था।

[संख्या एल-41012/152/96-प्राई आर(बी)]
सनातन, डेस्क प्रधिकारी

New Delhi, the 22nd October, 1997

S.O. 2965.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute 2883 GI/97—16

between the employers in relation to the management of North East Railway, Lucknow and their workman, which was received by the Central Government on 20-10-1997.

[No. L-41012/152/96-IR (B)]
SANATAN, Desk Officer.

ANNEXURE

BEFORE SHRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, DEOKI PALACE ROAD, PANDU NGARA, KANPUR.

Industrial Dispute No. 67 of 1997.

In the matter of dispute,

BETWEEN :

Rajender Singh,
Substitute Railway Quarter No. 59-M
Loco Colony Maviya,
Lucknow.

AND

Divisional Railway Manager (P),
North East Railway,
Ashok Road, Lucknow.

AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-41012/152/96-I.R. (B), dated 25-4-1997 has referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of North Eastern Railway, Lucknow not to utilize the services of Shri Rajendra Singh substitute only as coupling khalasi is legal and justified? Whether he is entitled to get the regular scale of wages irrespective of nature of duration of vacancy? If so he is entitled to what benefits?"

2. It is unnecessary to give the details of case as after sufficient service the concerned workman has not filed the claim statement. Hence the reference is answered against the workman for want of prosecution and proof and he is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer.

नई दिल्ली, 23 अक्टूबर, 1997

का.प्रा. 2966—भौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सदर्न रेलवे, मद्रास, के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निविष्ट भौद्योगिक विवाद में भौद्योगिक अधिकरण, तमिलनाडु, मद्रास, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-10-97 को प्राप्त हुआ था।

[संख्या एल-41012/13/93-प्राई आर(बीयू)
सनातन डेस्क प्रधिकारी)]

New Delhi, the 23rd October, 1997

S.O. 2966.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Tamil Nadu, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Southern Railway, Madras and their workman, which was received by the Central Government on 22-10-1997.

[No L-41012/13/93-IR (DU)]
SANATAN, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Tuesday, the 30th day of September, 1997

PRESENT :

Thiru S. Ashok Kumar, M.Sc., B.L., Industrial Tribunal,
Industrial Dispute No. 174 of 1994

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Southern Railway, Madras)

BETWEEN

Shri R. Paranthaman,
T. No 1479, 39, Barracks Road,
Sivagamipuram, Madras-600012.

AND

The General Manager,
Southern Railway,
Park Town, Madras-600003.

2. The Assistant Mechanical Engineer,
Southern Railway, Basin Bridge Yard,
Madras-600003.

REFERENCE :

Order No. L-41012/13/93-IR (DU), Ministry of Labour,
dated — Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 16th day of September, 1997, upon perusing the claim, counter statement and all other material papers on record, and upon hearing the arguments of Tvl. R. Devaprasad and R. Jnan, Advocates appearing for the petitioner and of Thiru M. Munir Sheriff, Advocate appearing for the respondent, and this dispute having stood over till this day, for consideration, this Tribunal made the following

AWARD

This reference has been made for adjudication of the following issue :

“Whether the action of the management of Southern Railway Madras, in terminating the services of Shri R. Paranthaman, Ex-Khalasi, Token No. 1479, AME/ C MRS w.e.f. 10-4-90 is justified ? If not, to what relief he is entitled ?”

2. The main averments found in the claim statement filed by the petitioner are as follows :

The petitioner was appointed on 12-7-1973 as CL on RS and was made permanent in 1978 as Khalasi. He was working as Khalasi in the Assistant Mechanical Engineer, Carriage Maintenance, Basin Bridge Yard, Southern Railway, Madras-3. During May 1988 he fell ill and hence he could not attend to his duty nor send any leave letter to the respondent. From 7-5-88 till 28-5-90, he was undergoing treatment for effective disorder under Doctor S. P. Muru-

gappa, Register Medical Practitioner. After becoming medically fit to join duty, the petitioner presented himself on 29-5-90 before the second respondent, and reported for duty. The Head of the Department asked the petitioner to submit himself before the Railway hospital to confirm fitness. Thereafter he issued necessary forwarding letter to the Railway hospital. The petitioner has submitted himself for medical examination and after thorough examination, the Assistant Divisional Medical Officer, Railway Hospital issued a fitness certificate dated 31-5-90 to attend to his duties on 1-6-90. On 1-6-90 the petitioner approached second respondent to join duty. But the petitioner was refused permission and was asked to write a letter to the Additional Divisional Railway Manager as an appeal against the oral termination. Immediately the petitioner sent a letter to the Additional Divisional Railway Manager. Since there was no reply, a legal notice dated 1-3-91 was sent to the respondent. Even thereafter there was no reply. The petitioner was not served with charge memo or called for any enquiry before the alleged oral termination was passed against the petitioner. Till 7-5-88 the petitioner was rendering an impeccable diligent service without blemish. The alleged order of termination is violative of principles of natural justice, illegal, unjustified, and excessive punishment. The permanent railway employee can avail leave for a period of five years. The respondents before taking necessary steps dispensed with the services of the petitioner and also after termination of service are duty bound to make a newspaper publication in any local daily regarding their decision. The act of the respondents in terminating the service of the petitioner invoking Rule 14(ii) of Railway Servants (D and A) Rules, 1968 is against the principles of natural justice and termination of the service of the petitioner without making any publication is void ab initio. Two other railway employees Sri Durai and Sri Susai, both Khalasi, who had absented for 6 to 9 years were reinstated by the respondents. The petitioner filed a petition before Assistant Labour Commissioner (Central-I), Madras for conciliation and the respondents filed their objections and alleged that a major penalty was imposed on the petitioner for his absence and his service was terminated w.e.f. 10-4-90. As the conciliation did not materialise, the Assistant Labour Commissioner (Central-I), has sent the failure report to the Government of India, Ministry of Labour, hence this reference has been made. The petitioner is without employment for the past several years and he is the only bread winner of his family. Due to illegal and arbitrary termination of the petitioner the petitioner and his family are suffering without minimum basic necessity of the life. The petitioner prays an award may be passed holding termination of the petitioner from service is not justified and consequently reinstate him in service with all benefits, continuity of service and attendant benefits.

3. The main averments found in the counter filed by the respondent management are as follows :

The averments of the petitioner are denied except the fact that the petitioner was working as Khalasi and he remained absent from duty from 7-5-88 to 13-5-88 and from 15-5-88 to 22-8-89 without proper authority or following the Railway Medical Attendance Rules. He had failed to intimate the Administration during his long spell of absence either in person or through a letter or send the private medical certificate as claimed. An employee is expected to get prior sanction of leave and cannot abstain himself from duty. If he is sick he has to report to the nearest Railway Hospital. A charge sheet for imposing major penalty was initiated on 22-8-89, and the same was sent to the petitioner's last known address by RPAD and the same was returned undelivered. It was also displayed on notice board provided at the workplace and the same evoked no response. The respondent's efforts to serve the charge sheet had failed and the Administration invoked Rule 14(iii) of Railway Servants (Discipline and Appeal) Rules 1968 since there was no possibility

of holding an enquiry. The petitioner was removed from service with effect from 10-4-90 vide penalty advice A/M 125/DAR/89 dated 30-5-90. The petitioner submitted his appeal to the Additional Divisional Railway Manager on 1-6-90 against his removal and the same proves that the petitioner was aware of his removal from service. The Appellate Authority viz., the Additional Divisional Railway Manager upheld the penalty awarded by the Disciplinary Authority. The respondent passed the orders of the Appellate Authority at the worksite of the petitioner since the petitioner had not furnished his proper address for communication. Petitioner was removed from service according to the rules and there is no question of oral termination or violation of principles of natural justice. The permanent employees of railway are eligible for 5 years leave as per Note 3 of Rule 530 of the Indian Railway Establishment Code Vol. I but Rule 502 provides that leave of any kind cannot be claimed as a matter of right and such leave can also be refused or revoked by the authority competent to grant it. The petitioner should have abstained from duty only after the leave applied by him is sanctioned by the competent authority. Regarding the newspaper publication, for the purpose of disciplinary matters, the railway servants are governed by the Railway Servants (Disciplinary and Appeal) Rules 1968. According to the clarification to Rule 12 of the Railway Servants (Discipline and Appeal) Rules 1968, in the case the Railway Servant is not present in office, the order/notice should be communicated to him at his last known address by registered post acknowledgement due. "If the railway servant does not accept the order/notice, and the same is returned undelivered by the postal authorities with the endorsement as "addressee not found" "refused to accept" etc., the same should be pasted on the notice board of the Railway premises in the employee concerned was working last as well as in a place in the last noted local address of that employee. The order/notice should be deemed to have come into effect from the date of issue thereof unless it specifies any subsequent date from which it has to take effect." Thus, the rules do not provide for publication of the removal order in local daily. The order/notice was pasted by the respondent on the notice board and the same was to the petitioner's last known address and the same is in consonance with the prescribed procedures. In the absence of specific details the averment regarding the cases of Soosai Durai could not be spell out. Disciplinary cases are dealt according to merits of each case. The averments are not tenable. The respondent prays to dismiss the claim with costs.

4. The petitioner has examined himself as WW-1 and has marked Ex. W-1 to W-10. No witness was examined on the side of the respondent and no document has been filed.

5. The only point for our consideration is : Whether the termination of the petitioner is justified ? If not, to what relief the petitioner is entitled to ?

6. The Point—The petitioner Paranthaman was employed as CL on RS on 12-7-73 and was made permanent as Khalasi in 1978. The respondent do not dispute the appointment and status of the petitioner. According to petitioner he fell ill during 1988 and therefore he could not attend to his duty from 7-5-88 to 28-5-90 and could not send any leave letter to the respondents. The petitioner was undergoing treatment for affective disorder under one doctor S. Marugappan, a registered medical practitioner to join duty on 28-5-91 and thereafter the petitioner presented himself on 29-5-90 before the second respondent for duty. The second respondent asked the petitioner to submit himself before the Railway Hospital for finding whether he is medically fit. The Additional Divisional Medical Officer, Railway Hospital who examined the petitioner issued a fitness certificate dated 31-5-90. Thereafter when the petitioner approached the second respondent on 1-6-90 to join duty, permission was refused to him. The petitioner filed an appeal before Additional Divisional Railway Manager on 1-6-90

and also issued legal notice on 1-3-91. Since there was no reply from the respondents, the petitioner filed an appeal before Assistant Labour Commissioner, Madras for conciliation. The medical fitness certificate to return to duty produced by the petitioner is Ex. W-1. Medical certificate for leave as Ex. W-2. The fitness certificate issued by the Railway Hospital is W-3 and W-4. The appeal filed by the petitioner on 1-6-1990 is Ex. W-5. The lawyer's notice issued by the petitioner is Ex. W-6. The application filed by the petitioner before the Assistant Labour Commissioner Madras is Ex. W-9. The remarks filed by the Divisional Railway Manager before the Conciliation Officer is Ex. W-7. The rejoinder statement filed by the petitioner before the Conciliation Officer is Ex. W-8. Conciliation failure report is Ex. W-10.

7. The petitioner contends that he was affected by a disease called affective disorder and hence he did not report for duty for 751 days and also did not send any leave letter. The petitioner however contends that he has been dismissed from service without any enquiry and also without any paper publication. The contention of the respondent is that the petitioner has absented himself for duty for a long period and charge was framed and notice was sent to his last known address which was returned undelivered and therefore was pasted in the Railway notice board and since the petitioner absented himself for the enquiry also, order was passed terminating the services of the petitioner as per Rule 14(ii) of Railway Servants (D and A) Rules, 1968. The petitioner has not produced any document to prove his illness except Ex. W-2 which is a medical certificate issued by private medical practitioner. The very same medical practitioner has also issued Ex. W-1 medical fitness certificate. The petitioner who was absent for 751 days has not produced any document to prove the treatment or any bill for purchase of any medicine. Railway Hospital at Parambur, Madras is a famous hospital where there are efficient doctors and facilities. The petitioner is entitled for free and better treatment in the railway hospital. There is no explanation on the part of the petitioner why he preferred private medical practitioner than railway hospital. As already stated, the petitioner has not produced any document except a certificate issued by the private medical practitioner to prove that the petitioner was continuously ill for more than 2 years, and was under continuous treatment. Further, the petitioner has never notified the respondents i.e. his employers about his illness and has never applied for any leave. It is not the first occasion in which the petitioner was absent for a very long period without sending any leave letter. In the cross-examination the petitioner himself had admitted that on an earlier occasion also the petitioner absented himself for a long time without leave letter and later he was reinstated in service. Thus, we see that the petitioner absented himself for the second time for a very long period without sending any leave letter. There is no dispute that the enquiry notice sent to his last known address was also returned undelivered. That will show that the petitioner did not care even to notify his change of residence to his employer. After the attempt to serve the notice to the petitioner failed, the respondent pasted the notice on the railway board, and afterwards terminated the petitioner from service.

8. The petitioner contends that the respondents should have made paper publication before passing termination of service order and also after passing of termination order. There is no necessity to give paper publication before passing the order and after passing the termination order. The respondents have followed Rule 14(ii) of the Railway Servants (D and A) Rules, 1968 which is applicable to the petitioner also. There is no motive for the respondents as against this petitioner to act unfairly and also against principles of natural justice. It is the petitioner who himself absented for a very long period without applying for leave. In the above circumstances, the action of the respondent in terminating the services of the petitioner is justifiable. From the foregoing discussions, it is clear that the action of the management of Southern Railway in terminating the services of Shri R. Paranthaman, Ex. Khalasi w.e.f. 10-4-90 is justified.

In the result, award passed dismissing the claim of the petitioner. No costs.

Dated, this the 30th day of September, 1997.
THIRU S. ASHOK KUMAR, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

WW-1—Thiru R. Parathaman.

For Management :
None.

DOCUMENTS MARKED

For Petitioner/workman :

- Ex. W-1/25-5-90—Medical certificate issued to petitioner by private medical practitioner (Xerox copy).
- Ex. W-2/28-5-90—Fitness certificate issued to petitioner by private medical practitioner (Xerox copy).
- Ex. W-3/29-5-90—OPD Slip of Railway Hospital issued to petitioner (Xerox copy).
- Ex. W-4/31-5-90—Fitness certificate —do—
- Ex. W-5/1-6-90—Letter from petitioner to respondent for reinstatement (Xerox copy).
- Ex. W-6/1-3-91—Lawyer's notice issued by petitioner to respondent (Xerox copy).
- Ex. W-7/4-10-91—Reply of respondent to petitioner (Xerox copy).
- Ex. W-8/2-3-92—Rejoinder of petitioner (Xerox copy).
- Ex. W-9/12-4-91—Conciliation application (Xerox copy).
- Ex. W-10/23-1-93—Conciliation failure report (Xerox copy).

For Management :
NIL.

नई दिल्ली, 24 अक्टूबर, 1997

का.आ. 2967 औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार पश्चिम रेलवे अजमेर के प्रबन्धसंतति के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, अजमेर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-97 को प्राप्त हुआ था।

[संख्या एस-41012/276/95-प्राई आर (बी)]
सनातन, डैस्क अधिकारी

New Delhi, the 24th October, 1997

S.O. 2967.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Ajmer as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway, Ajmer and their workman, which was received by the Central Government on 23-10-97.

[No. L-41012/276/95-IR.(B)]
SANATAN, Desk Officer

अनुबन्ध

न्यायालय, श्रम न्यायालय एवं औद्योगिक न्यायाधिकरण, अजमेर
रेलवेस संख्या 41012/276/95/प्राई आर (बी०) दिनांक
4-3-97 केस नम्बर सी आई टी आर 4/97

सत्यनारायण अग्रवाल द्वारा अग्रवाल जनरल स्टोर, रेलवे स्टेशन के पास, नसीराबाद अजमेर

—प्रार्थी

बनाम

मण्डल कार्मिक अधिकारी, पश्चिम रेलवे अजमेर

—प्रप्रार्थी

समझ

श्री हरिसिंह अस्तानी आर एच जे एस पीठासीन अधिकारी प्रार्थी की ओर से — श्री एस०ए० सलीमी एडवोकेट अप्रार्थी की ओर से — श्री बी०डी० भार्गव एडवोकेट अवार्ड दिनांक 07-10-1997

प्रबार्द्ध

प्रार्थी की ओर से श्री एस०ए० सलीमी ने उपस्थित होकर जाहिर किया है कि उन्हें प्रार्थी की ओर से साक्ष्य हेतु उपस्थित न होने के बारे में जानकारी नहीं है। केन्द्र सरकार द्वारा यह विवाद इस अवेक्षा के साथ भिजवाया गया है कि विवाद का अधिनियम तीन महीने में किया गया। प्रार्थी अपने प्रकरण के प्रति गंभीर नहीं है ऐसा प्रतीत होता है। अप्रार्थी पक्ष को सुना गया। प्रकरण की उपरोक्त परिस्थितियों को मध्य नजर रखते हुए प्रकरण को आगे बिना वजह चलाया जाना उचित नहीं समझा जाता है। अतः “कोई विवाद नहीं” अवार्ड पारित किया जाता है।

अवार्ड की प्रति नियमानुसार केन्द्र सरकार को वास्ते प्रकाशनार्थ भेजा जावे।

अवार्ड खुले न्यायाधिकरण में सुनाया गया।

हरि सिंह अस्तानी, पीठासीन अधिकारी

नई दिल्ली, 27 अक्टूबर, 1997

का०आ० 2968—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन इंस्ट्र्यूट ऑफ स्पाईसेस रिसर्च, कालीकर के प्रबन्धसंतति के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोजिकोड़े के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-10-97 को प्राप्त हुआ था।

[सं०ए८-42012/27/96-प्राई आर (झू०)]
के०बी०बी० उण्णी, डैस्क अधिकारी

New Delhi, the 27th October, 1997

S.O. 2968.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Kozhikode as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Indian Institute of Spices Research, Calicut and their workman, which was received by the Central Government on 27-10-97.

[No. L-42012/27/96-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

IN THE LABOUR COURT, KOZHIKODE, KERALA STATE

Dated, this the 26th day of August, 1997

PRESENT :

Shri P. Q. Barkath Ali, B.Sc., LL.B., Presiding Officer
I.D. No. (C) No. 24/97

BETWEEN :

The Director,
Indian Institute of Spices Research,
Chelavoor, Calicut-12.2. The Farm Superintendent,
Indian Institute of Spices Research,
Peruvannamuzhy, Quilandy Taluk,
Calicut-673 528. .. Managements.

AND

Sri Padmajan A.,
Adivati House,
Edavared Post,
Perambra (Via),
Calicut. .. Workman.

AWARD

This is an industrial dispute between the management of M/s. Indian Institute of Spices Research, Calicut and its workman Sri A. Padmajan referred to this court for adjudication by G.O. No. L-42012/27/96-IR(DU) dated July, 9, 1997 of Government of India, Ministry of Labour.

2. The issue referred for adjudication is "whether the action of the management of Indian Institute of Spices Research, Peruvannamuzhy, Calicut in terminating the services of Sri Padmajan A. from 26-8-1995 is justified? If not, to what relief the workman is entitled to".

3. In pursuance to the notice issued the management entered appearance. The worker remained absent and was set ex parte. It follows the worker has abandoned his claim. Therefore, an award has to be passed rejecting the claim of the workman.

4. In the result, an award is passed rejecting the claim of the workman.

Dictated to the Confidential Assistant, transcribed by him, revised, corrected and passed by me on the 26th day of August, 1997.

P. Q. BARKATH ALI, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1997

कांग्रेस 2969.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की घारा 17 के अनुसरण में केन्द्रीय सरकार सहायक अधिकारी, माइक्रोवेव मेटेनेंस, डिपार्टमेंट ऑफ टेलीकॉम कोपरी थाने के प्रबंध के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुसंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं 2 मुम्हई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-0-97 को प्राप्त हुआ था।

[सं. एल-40012/18/94 आई आर (डीपू)]
के०मी०डी० उण्णी, डैस्ट्र अधिकारी

New Delhi, the 28th October, 1997

S.O. 2969.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Asst. Engineer, Microwave Maintenance, D/o. Telecom, Kopri Thane, and their workman, which was received by the Central Government on 28-10-97.

[No. L-40012/18/94-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/8 of 1996

Employers in relation to the Management of Microwave Maintenance.

AND

Their Workmen

APPEARANCES :

For the Employer—Mr. Rohin Pandya, Advocate.

For the Workmen—Mr. S. P. Kulkarni, Advocate,
Mumbai, dated 22nd September, 1997

AWARD

The Government of India Ministry of Labour by its Order No. L-400012/18/94-IR(DU), dated 16-1-96, had referred to the following Industrial Dispute for adjudication :

"Whether the action of the management of Asst. Engineer, Microwave Maintenance Deptt of Telecom, Microwave Building, Kopri Thane in terminating the services of Shri Lalchand Kachru Pandit is legal and justified. If not, to what relief the workman is entitled to?"

2. Lalchand Kachru Pandit filed a statement of Claim at Exhibit-3. He was appointed as a casual labour by Asst. Engineer Microwave Maintenance Deptt of Telecommunication, Thane on 1-10-84. He was employed at Igatpuri outpost Microwave repeater centre. It is pleaded that he continued to work till 11-8-89. On that date he was terminated without giving any notice, notice pay or retrenchment compensation. It is averred that there was no compliance of section 25F of the Industrial Disputes Act, 1947 (herein after Act) by the management. The worker approached the management on several occasions for reinstatement but it was of no use. He thereafter issued a legal notice. On its non compliance he approached the Assistant Labour Commissioner raising the dispute. The conciliation could not take place. The Assistant Labour Commissioner refused to make a reference contending that the worker has not put in 240 days of service in 12 months prior to his alleged disengagement on 11-8-89. As such he is not eligible for any compensation under the provision of the Industrial Disputes Act.

3. The worker pleaded that thereafter he filed a petition before the Central Administrative Tribunal and got direction to the Central Government which is an appropriate government to make a reference. On the direction of the Central Administrative Tribunal the present reference is made. The workman pleaded that the retrenchment is illegal. It is submitted that the termination was on flimsy ground of misconduct without holding a departmental inquiry. It is denied that he was gainfully employed by the railways. It is pleaded that he had to give that letter to manage-

ment to that effect as he was assured job thereafter. It is submitted that for all these reasons he may be reinstated from the date of termination in continuity alongwith the back wages and consequential relief.

4. The management resisted the claim by their written statement Exhibit-6. It is averred that the telecommunication is not an industry within the meaning of section 2(j) of the Act and the Tribunal has no jurisdiction to decide the matter. It is averred that the workman was engaged as purely a casual labourer when the work was available between the period 1-10-84 to 31-5-86. Thereafter he stopped reporting to work as he joined the services of Railway.

5. The management pleaded that again he was employed on 11-89 purely on casual/ad-hoc basis for miscellaneous work and in leave period of a permanent staff. As the permanent staff resumed the duty he could not be continued. He was engaged for only 176 days. It is averred that the workman had a criminal back ground. For all these reasons the provision of the Act for retrenchment are not applicable to the worker. It is prayed that under such circumstances the reference may be answered accordingly.

6. The worker filed a rejoinder at Exhibit-7. He reiterated his claim in his statement of claim and denied the contention taken by the management in the Written statement.

7. The issues are framed at Exhibit-32. The issues and my findings there on are as follows :

Issues	Findings.
--------	-----------

1. Whether the Tribunal has jurisdiction to decide the matter	Yes.
2. Whether the action of the management of Assistant Engineer, Microwave Maintenance, Department of Telecom, Microwave Building Kopri, Thane in terminating the services of Lalchand Kechru Pandit is legal and justified	Yes.

If not, to what relief the workman is entitled.

Does not survive

REASONS

8. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. The Joseph 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal

9. In Joseph's case Their Lordships observed "India is a sovereign socialist secular democratic republic has to establish an egalitarian social order under rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the constitution and performances of the duties are constitutional functions. One of the duties is of the state, to provide telecommunication services to the general public as an amenity and so the essential part of sovereign functions of the state, as welfare state, it is not therefore an industry."

10. The Learned advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in State of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed it is the character of the activity which decides the question as to whether the activity in question attracts the provisions of 2(j) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to Schedule I to the Act which innumerable Industries which may be declared as public utility service under section 2(N) of the Act.

11. In Corporation City Nagpur and its employees 1960 I LLJ 523 Their Lordships considered the scope of the definition industry. It is observed that however wide the definition of industry might be it could not include the legal or

sovereign function of the state viz. the primary and inalienable functions of a constitutional government which should be confined to administration of justice, maintenance of law and other legislative functions.

12. In the management of Safdarjung Hospital and Kuldeep Singh Sethi 1970 II LLJ, Their Lordships while considering whether Hospital run by government or a local authority or by charitable institutions not as economic activity as an industry held that they are not governed by the definition of industry in section 2(j) of the Act. In paragraph 14 and 15, Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge, skill or dexterity for the production of the result. Such a service given individually and by individual are services no doubt but not material services. These services involve inactivity carried on through co-operation between employers and employee to provide a community with a use of something such as electric power, water, transportation, mail delivery, telephones and the like.

13. Then comes the Bangalore Water Supply and Sewerage Board etc. and A. Rajappa & Ors. 1978 I LLJ 349 The Constitutional Bench of Seven Judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The Learned advocate for the workman more particularly placed reliance on paragraph 16 and 47 of the judgment. He also referred to paragraph 131 of the Judgment. It is observed therein that what is the dominant nature of test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures undertaken by Government or statutory bodies.

14. In Dahir Gram Panchayat and Shri Brahad Saurashtra Safai Kamgar Mandal Rajkot 1971 I LLJ 508 wherein it is held that the conservancy and the sanitary activity carried on by panchayat would be covered by the definition of the word industry. Such activity being material service and a public utility service, the workers are the workman as defined in section 2(j) of the Act.

15. In another case between Umanayanan and State of Kerala 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an industry or not. The Reference was regarding clerk, typists, Khalasis. While deciding it Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventure taken by Government or statutory bodies. In another case Bijoy Kumar Bhattachari & Ors. Vs. State of Bihar I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount to necessary implication to the exclusion of the provision of the Industrial Disputes Act to Government department. If there were rules, for instance specially dealing with the manner in which temporary appointments could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the Constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not apply to Government servants.

16. In Union of Indit Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur, FGR 1994 page 231 Their Lordships observed that the Central Ordnance department is a severable unit of the defence department of the Central Government and carried of systematic activity with the cooperation of the employees and the employers and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1957.

17. In Writ petition Nos. 1584 of 1981, 3721 of 1981 and 3122 of 1981 the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of the Industrial Disputes Act. In K.R.P. Kaimul and Anr. and Director of Postal services, Trivandrum 1979 I LLJ 176, it is observed by Their Lordships public utility services like the postal services comes under industry, such activity cannot be called as a sovereign functions solely because rules framed under articles 309 and 310 governs such an employee. In another case between Bhaskaran and

Sub-Divisional Officer 1982 II LLJ 248 it is observed that post and telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of section 10, 12 and 22 of the Act directly apply.

18. In Delhi Science Forum Vs. The Union of India (1996) 2 Supreme Court cases 405 wherein Their Lordships considered section 4 of the Telegraphic Act. 1885 which speaks of granting a licence to non-government companies. Their right flows from the sub-section 1 of section 4 which vests that privilege and right in the Central Government.

19. On the basis of the principles laid down in the above said authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of the state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of industry under section 2(j) of the Act and is an industry.

20. The Learned Advocate for the management argued that this Tribunal in an earlier Reference No. 2/2/6/91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry judicial discipline wants that unless there is verdict from the superior court or that there is sufficient evidence on the record for changing the earlier views the Tribunal should not change its views. This proposition is acceptable. Furthermore, if it is found by the Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter Judgments/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industries Ltd Vs. Mafatlal Engineering Employees Union and Ors. 1992 I CLR 418. The Award of this Tribunal was challenged in S I P Bombay Telephone canteen employees case. It was confirmed.

21. The Learned Advocate for the workman argued that the Bangalore Water Works was delivered by a constitution bench of seven judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the Constitution the decision given in those cases is 'per incurium'. The Tribunal has to ignore it. In Bombay Telephones case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be 'per incurium'.

22. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Gocfrey Philips India Ltd. (1985) 4 S.C. cases 369 and Punjab Land Development and Reclamation Corporation Ltd. Chandigarh Vs. Presiding Officer Labour Court Chandigarh (1990) 3 S. C. cases 682. These cases deals with the law that the Principle laid down by larger bench are to be followed in relation to smaller bench nobody disputes it.

23. The Supreme Court considered their views expressed in Joseph's case in Bombay Telephone Canteen Employees Association. Prabhadevi Telephone Exchange Vs. Union of India and Anr. 1997 II CLR 218 Their Lordships considered the Bangalore Water Works, Hospital Mazdoor Sabha, Corporation of City of Nagpur, Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma J. T. 1997 (4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not in industry. It is observed that the employees working in a statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate a dispute on a reference under section 10(1) of Industrial Disputes Act.

24. In the above said authority their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 or a petition filed before the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attrac-

ted all the conditions laid there in would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employees is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made or applicable. The remedy of the reference under section 10 of the Act would always be available and avail of as it is an industry and indicia lead in Bangalore Water Supply Board case gets attracted.

25. In Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Ors. 1997 S. C. cases (L&S) 1979 Their Lordships observed every department of Government cannot be treated to be an industry. When the appointments are regulated by the statutory rules the concept of industry to that extent stands excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employee working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the post, their disengagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

26. The ratio laid down from the above said authorities is that if the employees hold a civil posts and are being paid monthly salary and are employees the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

27. From the testimony of Lalchand Pandit (Ex-11) the workman and Vasudev (Ex-14) the Assistant Engineer Microwave Thane it reveals that the payment of wages to Pandit was on a daily rate monthly basis. There is no pay scale fixed to him. His recruitment was not as per the prescribed norms. In other words he is not holding a civil post. It is therefore the Tribunal had jurisdiction to decide the reference.

28. Lalchand affirms that he continuously served between 1-10-84 to 11-8-89. He accepts the position that when there was no work he was not given work. He relied upon the certificate (Ex-4/9) given by Vasudev. It states that he was in continuous service from 26-4-84 to 11-8-89. It is a photo copy. After seeing the original which was shown to Vasudev (Ex-14) the Assistant Engineer he categorically states that the word 'not' which was written by him on the endorsement is torn off and in the zerox copy the place appears to be blank. That clearly goes to show that the certificates on which the worker wants to rely upon is not correct one. If really that certificate would have issued by Vasudevan nobody prevented him from giving him details of his working dates. I therefore find that in the certificate the word 'not' must be there and as per the case of the management Pandit was employed between that period whenever the work was available. Vasudev accepts the position that between 1-1-89 to 11-8-89 Pandit worked for 176 days as shown on page 32 of the documents produced on the record.

29. Vasudev affirmed that Pandit left the earlier job because he got an employment at Railways. It was orally informed to him in somewhere in July '1986. Exhibit-19 is a letter written by Pandit to the management informing that as he got job in railways he left the earlier job and now he may be re-employed. No doubt in this letter there is no reference of his employment with the present employer between 1-1-89 to 11-8-89. On this it is tried to be argued on behalf of the worker that Pandit had affirmed to the effect that using undue influence on him this letter was procured by the management. If really that would have been so immediately he would have raised an objection before the competent authorities viz. the supervisors of the Vasudevan or with the union but he had not done so. I am not in-

clined to accept that this letter was got written by the employer using undue influence. Further more the conduct of producing the certificate (Ex-4/9) by tearing the word 'not' clearly speaks that Pandit is not reliable.

30. Pande (Exhibit-15) affirmed that he had given the complaint Exhibit-21 dated 11-8-89 to his superiors alleging misconduct of the workman. Such complaint was also given by one Diwale on the same date (Exhibit-23). These complaints were admitted by the workman. That shows that the workman threatened these other employees and misbehaved in the premises.

31. For the above said reasons it can be seen that Pandit did not complete 240 days in a year. Naturally he cannot be said to be in continuous service contemplated under section 25(B) of the Act. It is therefore the management was right in not giving him any legal notice or compensation before terminating his service. I therefore record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of Microwave Maintenance Department of Telecom, Microwave Building, Kopri, Thane in terminating the services of Shri Lalchand Kachru Pandit is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1997

का०आ० 2970.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार जनरल मैनेजर टेलीकॉम, कल्याण के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नं० 2, मुंबई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[सं० एल-40012/31/95-पार्ट आर (डीयू)]
कै०वी०बी० उण्णी, डैस्क अधिकारी

New Delhi, the 28th October, 1997

S.O. 2970.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of General Manager Telecom, Kalyan and their workman, which was received by the Central Government on the 28-10-1997.

[No. L-40012/31/95-IR(DU)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT-2/24 of 1996

Employers in relation to the management of Telecom

AND

Their Workmen

APPEARANCE :

For the Employer : Mr. B. M. Masurkar, Advocate.

For the Workmen : Mr. M.B. Anchan Advocate.

Mumbai, dated 22nd September, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/31/95-IR(DU), dated 30th April, 1996 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the management of General Manager, Telecom Kalyan in not re-employing Shri U. M. Ghurade who has worked for more than 240 days in a period of 12 months is legal and justified ? If not, to what relief the concerned workman is entitled to ?"

2. M. Ghurade, the workman pleaded that he was engaged as a casual labourer by the Sub-Divisional Officer Kalyan, Telecom and was working at M.I.D.C. Telephone Exchange, Dombivili since 1-10-1985. He continuously worked till 31-7-1987. The total working days were 669. It is asserted that on 1-8-87 he was not given work and his services were terminated.

3. The workman pleaded that in May 1988 he worked at Murbad under Kalyan Telecom Division. Thereafter he worked for six month that is from 1-5-1989 to 30-10-1989 under D.E.T. Microwave, Akola Division. He was not given any work by any division thereafter.

4. The worker pleaded that he continuously worked for more than 240 days in a year preceding his termination at Kalyan Division. It is averred that while terminating he was not served with any notice nor given any retrenchment compensation. He approached the officers of Kalyan Division for getting the job. He was told that other casual labourer was employed in view of the orders of the Commissioner, the worker also should approach the court for getting the orders. The worker prayed that he may be reinstated in service with full back wages and continuity in service.

5. The management resisted the claim by their written statement at Exhibit-5. It is averred that the Tribunal has no jurisdiction to decide it. It is submitted that the worker himself did not report to the duty from 1-8-87. His whereabouts were not known. They came to know regarding him only after he raised the dispute on 21-1-1994. It is submitted that the worker left the job at his own and joined at Akola which is in his native place. It is averred that there is no question of compliance of provisions of retrenchment as the worker himself abandoned the work w.e.f. 1-1-87. It is averred that there is no

retrenchment of the worker within the definition of the terms as defined in the section 2(oo) of the Industrial Disputes Act. It is submitted that under such circumstances the reference may be answered accordingly.

6. The issues that fall for my consideration and my findings thereon are as follows :

Issues	Findings
1. Whether the Tribunal has jurisdiction to decide the reference under the Industrial Disputes Act ?	Yes.
2. Whether the action of the management of General Manager, Telecom, Kalyan, in not reemploying Ghurade who worked more than 240 days in a period of 12 months is legal and justified ?	Legal and Justified.
3. If not, to what relief the workman is entitled to ?	Does not survive.

REASONS

7. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. Theyyam Joseph 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

8. In Joseph's case Their Lordships observed 'India is a sovereign, socialist, secular, democratic republic has to establish an egalitarian social order under the rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the constitution and performances of the duties are constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an amenity and so is the essential part of sovereign functions of the state, as a welfare state, it is not therefore an industry.'

9. The Learned Advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in State of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed, it is the character of the activity which decides the question as to whether the activity in question attracts the provisions of 2(i) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to Schedule I to the Act which innumerable Industries which may be declared as a public utility service under section 2(N) of the Act.

10. In Corporation City Nagpur and its employees 1960 I LLJ 523 Their Lordships considered the scope of the definition industry. It is observed that however wide the definition of industry might be it could not include the legal or sovereign function of the state viz. the primary and inalienable functions of a Constitutional Government which should be confined to administration of justice, maintenance of law and other legislative functions.

11. In the management of Safdarjung Hospital and Kuldeep Singh Sethi 1970 II LLJ 226, Their Lordships while considering whether Hospital run by Government or a local authority or by charitable institutions not as a economic activity as an industry held that they are not governed by the definition of Industry in section 2(j) of the Act. In paragraph 14 and 15 Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge, skill or dexterity for the production of the result. Such a service given individually by individual are service no doubt but not material services. These services involve inactivity carried on through cooperation between employers and employees to provide a community with a use of something such as electric power, water, transportation, mail delivery telephones and the like.

12. Then comes the Bangalore Water Supply and Sewerage Board etc. and A. Raiappa & Ors. 1978 I LLJ 349. The Constitutional Bench of seven Judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The Learned Advocate for the workman more particularly placed reliance on paragraph 46 and 47 of the Judgment. He also referred to paragraph 131 of the Judgment. It is observed therein that what is the dominant nature test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures undertaken by Government as statutory bodies.

13. In Dahir Gram Panchayat and Shri Brahad Saurashtra Safai Kamgar Mandal Raikot 1971 I LLJ 508, wherein it is held that the conservancy and the sanitary activity carried on by panchayat would be covered by the definition of the word industry. Such activity being material service and a public utility service. The workers are the workman as defined in section 2(j) of the Act.

14. In another case between Umanyam and State of Kerala 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an industry or not. The Reference was regarding clerk, typists, Khalasis. While deciding it Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventure taken by Government or Statutory bodies. In another case Biju Kumar Bharathi & Ors. Vs. State of Bihar I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount to necessary implication to the exclusion of the provision of the Indus-

trial Disputes Act to Government department. If there were rules, for instance specially dealing with the manner in which temporary appointment could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the Constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not apply to Government servants.

15. In Union of India Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur, FGR 1994 page 231 Their Lordships observed that the Central Ordinance department is a severable unit of the defence department of the Central Government and carried on systematic activity with the cooperation of the employees and the employees and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1947.

16. In Writ Petition Nos. 1584 of 1981, 8721 of 1981 and 3122 of 1981 the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of the Industrial Disputes Act. In K.R.P. Kaimal and Anr. and Director of Postal services, Trivandrum 1979 I LLJ 176 it is observed by Their Lordships public utility services like the postal services comes under industry, such activity cannot be called as a sovereign functions solely because rules framed under article 309 and 310 governs such an employee. In another case between Bhaskaran and Sub-Divisional Officer 1982 II LLJ 248 it is observed that post and telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of section 10, 12a and 22 of the Act directly apply.

17. In Delhi Science Forum Vs. The Union of India (1996) 2 Supreme Court case 405 wherein Their Lordships considered section 4 of the Telegraphic Act, 1885 which speaks of granting of a licence to non-government companies. That right flows from the sub-section 1 of section 4 which vests that privilege and right in the Central Government.

18. On the basis of the principles laid down in the above said authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of an industry under section 2(j) of the Act and is an industry.

19. The Learned Advocate for the management argued that this Tribunal in an earlier Reference No. 2/26/91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry judicial discipline wants that unless there is verdict from the superior court or that there is sufficient evidence on the record for changing the earlier views the Tribunal should not change its views. This proposition is acceptable. Further more, if it is found by the Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter Judgments/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industrial Limited Vs.

Mafatlal Engineering Employees Union and Ors. 1992 I CLR 418. The Award of this Tribunal was challenged in SLP Bombay Telephone Canteen employees case. It was confirmed.

20. The Learned Advocate for the workman argued that the Bangalore water works was delivered by a Constitution Bench of Seven Judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the Constitution the decision given in those cases is per incurium. The Tribunal has to ignore it. In Bombay Telephones case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be 'per incurium'.

21. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Godfrey Philips India Ltd. (1985) 4 S.C. cases 369 and Punjab Land Development and Re-clamation Corporation Ltd. Chandigarh (1990) 3 S.C. 682. These cases deals with law that the principles laid down by larger bench are to be followed in relation to smaller bench, nobody disputes it.

22. The Supreme Court considered their views expressed in Joseph's case in Bombay Telephone Canteen Employees Association, Prabhadevi Telephone Exchange Vs. Union of India and Anr 1997 II CLR 218 Their Lordships considered the Bangalore Water Works, Hospital Mazdoor Sabha, Corporation of City of Nagpur, Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma J. T. 1997 (4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not an industry. It is observed that the employees working in statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Industrial Disputes Act.

23. In the above said authority their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 or a petition filed before the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid therein would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employees is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust

or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made in applicable. The remedy of the reference under section 10 of the Act would always be available and avail of as it is an industry and indicia lead in Bangalore Water supply Board case gets attracted.

24. In Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Ors. 1997 S.C. Cases (L & S) 1079 Their Lordships observed every department of Government cannot be treated to be an industry. When the appointments are regulated by the statutory rules the concept of industry or that extent stand excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore, cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the posts, their disengagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

25. The ratio laid down from the above said authorities is that if the employees hold a civil posts and being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

26. It can be seen from the testimony of Umesh Gunde (Exhibit-8) the workman, V.N. Tupe (Ex-10) the sub-divisional engineer legal that there is no pay scale fixed to the employee. He was not employed after following due procedure. It can be further seen that there are no specific rules and regulations governing his employment. In other words he does not hold any civil posts. In the result the Tribunal had jurisdiction to decide the reference.

27. It is not in dispute that Churade was working continuously without any break from 1-10-1985 to 31-7-1987 with sub-divisional office telecommunication, Kalyan (Ex-7/1). The total days comes to 669. Ghurade affirms that thereafter he worked with at Murbad and Kalyan division in 1988 but he had not given its details, not produced any record to that effect. He further, affirmed that he served with D.E.T. Microwave Akola Division between 1-8-1989 to 30-10-1989. According to him in view of the schemes issued by the department he is entitled to get the job of the management. Tupe (Ex-10) affirmed that the worker himself left the job and did not report on duty from 1-8-1987. But later on joined at Akola which is his home town. So far as the home town is concerned it is not in dispute. Thereafter, it appears to me that he must have gone on his own accord to his native place and got the employment. He must have though it fit to do the job at the native place to avoid other expenses. But when he could not get further employment there he thought it fit to ask for

the employment with the earlier employer. It is pertinent to note that this he did after seven years. Prime facie it suffers from latches. No explanation has come on the record why such a delay raising the dispute by him. Logically the answer is that he was already employer at Akola and therefore did not find it fit to do so.

28. Tupe affirmed that there was a cut off date for engaging a casual labourers who worked more than 240 days earlier. The cut off date was 15-3-1990. The case tried to be made out by the workman is that he was not aware of the cut off date. It is rightly argued on behalf of the management that there is no substance in it. Because he was working in the department at Akola therefore, he is bound to know that is taking place in the department. The same situation is every where. So far as the workman in the department is concerned he did not approach the management with a request that he should be re-employed. Under such circumstances I find that as the worker had left the job himself the management cannot be held to be responsible for any actions.

29. Ghurade affirmed that he may be reinstated in service and he is ready to forego all his dues. In view of the above said discussion he is not entitled to reinstatement in service. Naturally not entitled for back wages. But, looking to the service he rendered with the department the management may consider sympathetically his request for re-employment. For the above said reasons I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of General Manager Telecom, Kalyan in not re-employing Shri U. M. Ghurade who was worked for more than 240 days in a period of 12 months is legal and justified .

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1997

का०श्रा० 2971.---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महाराष्ट्र टेलीकॉम सर्कल, डिपार्टमेंट ऑफ टेली-कम्युनिकेशन मुम्बई के प्रबंधनतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकारण, नं० 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[प्र० प्र० 40012/33/95-आई आर (शीयू)]
कै०वी०बी० उण्णी, डैस्क अधिकारी

New Delhi, the 28th October, 1997

S.O. 2971.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby pub-

lishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Maharashtra Telecom Circle, D/o Telecom, Mumbai and their workman, which was received by the Central Government on the 28-10-1997.

[No. L-40012/33/95-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 11, MUMBAI

PRESENT : SHRI S. B. PANE
Presiding Officer

REFERENCE NO. CGIT-2/7 OF 1996
Employers in Relation to the Management of
Telecom

AND
Their workmen

APPEARANCES :

For the Employer : Mr. P. M. Pradhan
Advocate.

For the Workmen : Mr. N. Y. Lokhande
Advocate.

Mumbai, dated 22nd September, 1997.

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/33/95-IR(DU), dated 27/29-12-1995 had referred to the following Industrial Dispute for adjudication.

“Whether the action of the management of Maharashtra Telecom Circle, D/o Telecommunication, Bombay-1 in terminating the service of Shri Pravin R. Pardesi w.e.f. February, 1989 is justified? If not, to what relief the workman is entitled?”

2. Pravin R. Pradesi pleaded that he was employed by the Deputy General Manager, Maharashtra Telecom Service Mumbai as a casual labourer under T.O.T. Bassin on 1st March, 1997. He continued to work till 28th

February, 1989. It is asserted that break was given only when there was no work and in that period he continuously worked for 4 to 7 days. It is submitted that 28th February, 1989 his services was terminated without following the provisions of Industrial Disputes Act. He was not given notice or legal compensation. He therefore prayed that he may be reinstated in service in continuity alongwith back wages and consequential benefits.

3. The management resisted the claim by their written statement Exhibit-4. It is averred that the Tribunal has no jurisdiction to decide reference as he was not workman within the definition of workman under Industrial Disputes Act.

4. The management asserted that the worker was appointed as a casual labourer by Sub-Divisional Officer, Telegraph Bassin. It is denied that he was employed only when the work was available and on any project that was undertaken. It is submitted that under such circumstances there is no question of applicability of the provisions of Industrial Disputes Act of 1947. It is asserted that the worker never completed 240 days in a year. Under such circumstances it is prayed that the reference may be answered in favour of the management.

5. The worker filed rejoinder at Exhibit-6. It is pleaded that the worker had completed 240 days in a year as contemplated under section 25 B of the Act. It reiterated the contention taken in the statement of claim.

6. The issues are framed at Exhibit. The issues and my findings there on are as follows :—

Issues	Findings
1. Whether the Tribunal has jurisdiction to entertain and decide the reference?	Yes.
2. Whether the action of the management of Mahanagar Telephone Nigam Limited in terminating the services of Shri Pravin R. Pardesi is justified?	Yes.
3. If not, what relief the workman is entitled to?	Does not survive

REASONS

7. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. Theyyam Josph 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

8. In Joseph's case Their Landlordships observed India is sovereign socialist secular, democratic republic has to establish an egalitarian social order under the rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the constitution and performances of the duties are constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an amenity and so is the essential part of sovereign functions of the state as a welfare state, it is not therefore an industry'.

9. The Learned advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in State of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed, it is the character of the activity which decides the question as to whether the activity in question attracts the provisions of 2(j) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to Schedule I to the Act which innumerable Industries which may be declared as a public utility service under section 2(N) of the Act.

10. In Corporation City Nagpur and its employees 1960 I LLJ 523 Their Lordships considered the scope of the definition industry. It is observed that however wide the definition of industry might be it could not include the legal or sovereign function as the state viz. the primary and inalienable functions of a constitutional government which

should be confined to administration of justice, maintenance of law and other legislative functions.

11. In the management of Safdurjung Hospital and Kuldeep Singh Sethi 1970 II LLJ 266, Their Lordships while considering whether Hospital run by Government or a local authority or by charitable institutions not as a economic activity as an industry held that they are not governed by the definition of Industry in Section 2(j) of the Act. In paragraph 14 and 15. Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge and skill or dexterity for the production of the result. Such a service given individually by individual are service no doubt but not material services. These services involve inactivity carried on through cooperation between employers and employees to provide a community with a use of something such as electric power, water, transportation mail delivery telephones and the like.

12. Then comes the Bangalore Water Supply and Sewerage Board etc. and A. Raiappa & Ors. 1978 I LLJ 349. The Constitutional Bench of seven judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The Learned Advocate for the workman more particularly placed reliance on paragraph 46 and 47 of the Judgement. He also referred to paragraph 131 of the Judgement. It is observed therein that what is dominant nature test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures undertaken by Government as statutory bodies.

13. In Dahir Gram Panchayat and Shri Brahad Saurashtra Safai Kamgar Mandal Rajkot 1971 I LLJ 508, wherein it is held that the conservancy and the sanitary activity carried on by panchayat would be covered by the definition of the word industry. Such activity being material service and a public utility service the workers are the workman as defined in section 2(j) of the Act.

14. In another case between Umanavam and State of Kerala 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an

industry or not. The reference was regarding clerk, typists, khtials. While deciding it Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventure taken by Government or statutory bodies. In another case Bijoy Kumar Bharathi & Ors. Vs. State of Bihar I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount to necessary implication to the exclusion of the provision of the Industrial Disputes Act to Government Department. If there was rules, for instance specially dealing with the manner in which temporary appointment could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the Constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not apply to Government servants.

15. In Union of India Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur, FGR 1994 page 231 Their Lordships observed that the Central Ordinance Department is a severable unit of the defence department of the Central Government and carried on systematic activity with the Cooperation of the employers and the employees and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1947.

16. In writ petition Nos. 1584 of 1981, 8721 of 1981 and 3122 of 1981 the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of the Industrial Disputes Act. In K.R.P. Kaimal and Anr. and Director of Postal Services, Trivandrum 1979 I LLJ 176 it is observed by Their Lordships public utility services like the postal services comes under Industry, such activity cannot be called as a sovereign functions solely because rules framed under articles 309 and 310 governs such an employee. In another case between Roshkaran and Sub-Divisional Officer 1982 II LLJ 248 it is observed that post and telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of section 10, 12 and 22 of the Act directly apply.

17. In Delhi Science Forum Vs. The Union of India (1996) 2 Supreme Court cases 405

wherein Their Lordships considered section 4 of the Telegraphic Act 1885 which speaks of granting of a licence to non-government companies. That right flows from the sub-section 1 of section 4 which vests that privilege and right in the Central Government.

18. On the basis of the principles laid down in the abovesaid authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of an industry under section 2(j) of the Act and is an industry.

19. The Learned Advocate for the management argued that this Tribunal in an earlier Reference No. 2/26/91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry judicial discipline wants that unless there is verdict from the superior court or that there is sufficient evidence on the record for changing the earlier views the Tribunal should not change its view. This proposition is acceptable. Further more, if it is found by the Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter judgements/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industrial Limited Vs. Mafatlal Employees Union and Ors. 1992 I CLR 418. The Award of this Tribunal was challenged in SLP Bombay Telephone canteen employees case. It was confirmed.

20. The Learned Advocate for the workman argued that the Bangalore Water Works was delivered by a Constitution Bench of seven judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the Constitution the decision given in these cases is per incurium. The Tribunal has to ignore it. In Bombay Telephones case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be 'per incurium'.

21. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Godfrey Philips India Ltd. (1985) 4 S. C. cases 369 and Punjab Land Development and Reclamation Corporation Ltd. Chandigarh (1990) 3 S. C. 682. These cases deals with law that the principles laid down

by larger bench are to be followed in relation to the smaller bench, nobody disputes it.

22. The Supreme Court considered their views expressed in Joseph's case in Bombay Telephone Canteen Employees Association, Prabhadevi Telephone Exchange Vs. Union of India and Anr. 1997 II CLR 218 Their Lordships considered the Bangalore Water Works Hospital Mazdoor Sabha, Corporation of City of Nagpur Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma J. T. 1997 (4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not an industry. It is observed that the employees working in statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Industrial Disputes Act.

23. In the above said authority their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 of a petition filed before the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid therein would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules of application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employees is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made in applicable. The remedy of the reference under section 10 of the Act would always be available and

avail of as it is an industry and indicia lead in Bangalore Water Supply Board case gets attracted.

24. In Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Ors. 1997 S.C. cases (L&S) 1079 Their Lordships observed every department of Government cannot be treated to be an industry. When the appointments are regulated by the statutory rules the concept of industry to that extent stand excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the posts, their disengagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

25. The ratio laid down from the above-said authorities is that if the employees hold a civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

26. From the testimony of Pardesi it does not reveal that he is in a particular pay scale. It cannot be also seen that his service conditions are governed by any rules or certified standing orders. Under such circumstances he cannot be said to be holding a civil post. In view of the ratios given in the abovesaid authorities I find that the Tribunal has jurisdiction decide the reference.

27. Pravin Paredesi (Exhibit-9) the worker affirmed that he worked as a casual labourer between 1-3-87 to 28-2-89. He admits that in that period break was given for want of work. He produced a certificate Exhibit-'A' given by the Telecom District Engineer Bombay Cit. The management did not lead any oral evidence.

28. Pravin affirmed that when the service were terminated he was not given any notice nor retrenchment compensation. It is to be seen whether the management was required to follow the provisions of retrenchment under the Industrial Disputes Act, in this particular case. From Exhibit 'A' it can be seen that the worker had not completed 240 days in 12 months preceding the date of the reference of which calculations is to be made. Here the date which is to be taken into consideration is 1-3-1989. Taking last 12 months it can be seen that he worked only for 224 days. As this is so he cannot be said to be in continuous service as defined under section 25 (B) of the Act. It is therefore, the provisions of retrenchment of the Act are not applicable to the worker. In the result the action of the management terminating the worker is legal and justified. The issues are answered accordingly.

ORDER

The action of the management of Maharashtra Telecom Circle, D/o Telecommunication, Bombay-1 in terminating the service of Pravin R. Paradesi w.e.f. February, 1989 is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 28 अक्टूबर, 1997

का०ग्रा०-२९७२.—ओद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार टी० ई० ई०, अकोला (महाराष्ट्र) के प्रबंधतान्त्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट ओद्योगिक विवाद में ओद्योगिक अधिकरण नं० 2, मुम्बई के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[सं० एल-४००१२/९८/९५-ग्राइंडर (डीयू)]
के०वी०वी० उण्णी, डैस्क अधिकारी

New Delhi, the 28th October, 1997

S.O. 2972.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of T.D.E., Akola (Maharashtra State) and their workman, which was received by the Central Government on 28-10-1997.

[No. L-40012/98/95-IR(DU)]
K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. II, MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/28 of 1996

Employers in relation to the Management of Telecom.

AND

Their Workmen.

APPEARANCES :

For the Employer : Mr. P. M. Pradhan, Advocate.

For the Workmen : Mr. S. P. Inamdar, Advocate.

Mumbai, dated 22nd September, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/98/95-IR(DU), dated 30-5-1996, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of TDE Akola (Maharashtra) State in terminating the services of Shri Tribhuwan Singh Panchdev Singh is legal and justified ? If not, to what relief the workman is entitled to ?”

2. Tribhuwan Singh Panchdev Singh the workman filed a statement of claim at Exhibit-3. He contended that he was employed as a casual mazdoor from 1-1-87 and continued to work till 10-12-87 on wages of Rs. 780 plus D.A. and usual allowances at Distt. Engineer Telecom, District Akola. His service was illegally terminated. He alongwith other casual mazdoors approached Central Administrative Tribunal for redressal. The Tribunal ordered the department to give the appointments.

3. The workman pleaded that as per the order of the Central Administrative Tribunal he was appointed on 7-7-93. He worked until 9-12-93. Thereafter he was sick for about seven and a half months. He approached the authorities on 1-8-94 alongwith a medical certificate dated 31-7-94. The authorities did not consider the correctness of the medical certificate nor gave any ruling thereon and ultimately did not allow him to join the duties. It is submitted that the opposite party No. 2 that is the Sub-Divisional Engineer Phones pleaded that he had no authority to consider the request made by the workman. It is submitted that the approach of the management is not proper. The T.D.E. Akola was not competent to condone the absence period

exceeding one month but the sub-divisional Engineer should have done that work. It is pleaded that the action of the management not allowing him to join the duties in other words terminating his services may be declared as illegal and he may be reinstated in service with full back wages.

4. The management resisted the claim by their written statement Exhibit-5. It is averred that the Tribunal has no jurisdiction to decide the matter. It is pleaded that the workman was engaged at Railway Electrification Telecom Project which does not come under Akola Division. But in view of orders passed by Central Administrative Tribunal, he was employed on 7th July, 1993. His name appeared at seniority list No. 155.

5. The management pleaded that the workman was absconding from the duty forgetting that he was appointed in view of the order of the Central Administrative Tribunal. He never informed the management regarding his illness and remaining absent. It is pleaded that the Sub-Divisional Engineer nor the T.D.E., Akola had any authority to condone the delay for more than one month. It is therefore incorrect to state that those authorities were competent to condone the delay. It is submitted that the workman had no case and the reference may be answered accordingly.

6. The workman reiterated the claim made by him in Rejoinder (Ex-6).

7. The issues are framed at Exhibit-7. The issues and my findings thereon are as follows :

Issues	Findings
1. Whether the Tribunal has a jurisdiction to decide the matter ?	Yes
2. Whether the action of the management of T.D.E. Akola, Maharashtra in terminating the service of Tribhuwan Singh Panchdev Singh is legal and justified ?	Yes
3. If not, to what relief the workman is entitled to ?	Does not service.

REASONS

8. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector of Posts Vs. Theyyam Joseph 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

9. In Joseph's case Their Lordships observed 'India is a sovereign, socialist, secular, democratic

republic has to establish an egalitarian social order under the rule of law. The welfare measures certain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin the state diverse duties under IV of the constitution and performances of the duties are constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an amenity and so is the essential part of sovereign functions of the state as a welfare state, it is not therefore an industry'.

10. The Learned advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in State of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed, it is the character of the activity which decides the question as to whether the activity in question attracts the provisions of 2(j) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to Schedule I to the Act which enumerated Industries which may be declared as a public utility service under section 2(N) of the Act.

11. In Corporation City Nagpur and its employees 1960 I LLJ 523 Their Lordships considered the scope of the definition industry. It is observed that however wide the definition of industry might be it could not include the legal or sovereign function of the state viz. the primary and inalienable functions of a constitutional government which should be confined to administration of justice, maintenance of law and other legislative functions.

12. In the management of Safdurjung Hospital and Kuldeep Singh Sethi 1970 II LLJ 266, Their Lordships while considering whether Hospital run by Government or a local authority or by charitable institutions not as a economic activity as an industry held that they are not governed by the definition of Industry in section 2(j) of the Act. In paragraph 14 and 15, Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge and skill or dexterity for the production of the result. Such a service given individually by individual are service no doubt but not material services. These services involve inactivity carried on through cooperation between employers and employees to provide a community with a use of something such as electric power, water, transportation, mail delivery telephones and the like.

13. Then comes the Bangalore Water Supply and Sewerage Board etc. and A. Rajappa & Ors. 1973 I LLJ 348 The Constitutional Bench of seven judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The Learned Advocate for the workman more particularly placed reliance on para-46 and 47 of the Judgment. He also referred to paragraph 131 of the Judgment. It is observed therein that what is dominant nature test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures under taken by Government as statutory bodies.

14. In Dahir Gram Panchayat and Shri Brahad Saurashtra Safai Kamngar Mandal Rajkot 1971 I LLJ 508, wherein it is held that the conservancy and the sanitary activity carried on by Panchayat would be covered by the definition of the word industry. Such activity being material service and a public utility service the workers are the workmen as defined in section 2(j) of the Act.

15. In another case between Umayam and State of Kerala 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an industry or not. The reference was regarding clerk, typists, Khalasis. While deciding it Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventure taken by Government or statutory bodies. In another case Bijoy Kumar Bharathi & Ors. Vs. State of Bihar I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount to necessary implication to the exclusion of the provision of the Industrial Disputes Act to Government Department. If there was rules, for instance specifically dealing with the manner in which temporary appointment could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not apply to Government servants.

16. The Union of India Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur FGR 1994 page 231 Their Lordships observed that the Central Ordinance Department is a severable unit of the defence department of the Central Government and carried on systematic activity with the Cooperation of the employees and the employers and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1947.

17. In Writ Petition Nos. 1584 of 1981, 8721 of 1981 and 3122 of 1981 the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of

the Industrial Disputes Act. In K. R. P. Naimal and Anr. & Director of Postal Services Trivandrum 1979 I LLJ 176 it is observed by Their Lordships public utility services like the postal services comes under industry, such activity cannot be called as a sovereign functions solely because rules framed under articles 309 and 310 governs such an employee. In another case between Bhaskaran and Sub-Divisional Officer 1982 II LLJ 248 it is observed that Post and Telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of section 10.12 and 22 of the Act directly apply.

18. In Delhi Science Forum Vs. The Union of India (1996) 2 Supreme Court cases 405 wherein Their Lordships considered section 4 of the Telegraphic Act 1885 which speaks of granting of a licence to non-government companies. That right flows from the sub-section 1 of section 4 which vests that privilege and right in the Central Government.

19. On the basis of the principles laid down in the above said authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of an industry under section 2(j) of the Act and is an industry.

20. The Learned Advocate for the management argued that this Tribunal in a earlier Reference No. 2/2/91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry judicial discipline wants that unless there is verdict from the superior court or that there is sufficient evidence on the record for changing the earlier views the Tribunal should not change its views. This proposition is acceptable. Further more, it is found by the Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter judgments/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industrial Limited Vs. Mafatlal Employees Union and Ors. 1992 I CLR 418 The Award of this Tribunal was challenged in SLP Bombay Telephone Canteen Employees case. It was confirmed.

21. The Learned Advocate for the workman argued that the Bangalore Water Works was delivered by a Constitution Bench of Seven Judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the Constitution the decision given in those cases is 'per incurrium'. The Tribunal has to ignore it. In Bombay Telephones case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be 'per incurrium'.

22. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Godfrey Philips India Ltd. (1985) 4 S.C. cases 369 and Punjab Land Development and Reclamation Corporation Ltd. Chandigarh (1990) 3 S.C. 682. These cases deals with law that the principles laid down by larger bench are to be followed in relation to the smaller bench, nobody disputes it.

23. The Supreme Court considered their views expressed in Joseph's case in Bombay Telephone Canteen Employees Association, Prabhadevi Telephone Exchange Vs. Union of India and Anr. 1997 II CLR 218 Their Lordships considered the Bangalore Water works Hospital Mazdoor Sabha, Corporation of City of Nagpur Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma J.T. 1997 (4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not an industry. It is observed that the employees working in statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Industrial Disputes Act.

24. In the above said authority Their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 of a petition filed before the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid therein would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employees is assured and the whim and the fancy favour of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made or applicable. The remedy of the reference under section 10 of the Act would always be available and avail of as it is an industry and indicia lead in Bangalore Water Supply Board case gets attracted.

25. In Himanshu Kumar Vidvarthi and Ors. Vs. State of Bihar and Ors. 1997 S.C. cases (I&S) 1079. Their Lordship observed every department of

Government cannot be treated to be an industry. When the appointments are regulated by the statutory rules the concept of industry to that extent stands excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the posts, their dis-engagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

26. The ratio laid down from the above said authorities is that if the employees hold a civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

27. Admittedly Tribhuwan Singh Panchdev Singh was employed as a casual labourer. There was no specific pay scale for him. His recruitment was not under any rules framed for employment. For all these reasons it cannot be said that he is holding a civil post. Under such circumstances for the principles laid down in the above said authorities the Tribunal had jurisdiction to decide the reference under Industrial Disputes Act of 1947.

28. Tribhuwan Singh Panchdev Singh (Exhibit-10) affirmed that he was a casual mazdoor between 1-7-87 to 10-12-90. He was terminated on 11-12-90. It appears that alongwith him other casual mazdoors were also terminated. Therefore they filed a petition before the Central Administrative Tribunal Mumbai Bench, Nagpur. The Tribunal allowed the application and directed the management to reinstate these casual mazdoors. It is not in dispute as per the orders of the Central Administrative Tribunal Tribhuwan Singh was appointed on 7-7-93 as a casual mazdoor.

29. Tribhuwan Singh affirms that he worked between 7-7-93 to 9-12-93 at Washim under Assistant Engineer, Phones. He thereafter fell sick from 10-12-93 to 31-7-94. He affirmed that thereafter on 1st August 1994 when he approached the authorities alongwith the medical certificate he was not allowed to join the duties on the pretext that they cannot condone more than one months delay. It can be seen that except the workman and other casual employees which were appointed were given the temporary status (Ex-8/17) dated 5-5-95.

30. Ingle (Exhibit-12) the Assistant Engineer Phones Washim affirmed that the workman left the place of work without intimation to the management. He was absconding. He never intimated his sickness to the management at any time. It can be seen that he is a person who approached the Central Administrative Tribunal and got the job. It is therefore he is bound to know what steps should be taken in a particular circumstances. As he was sick it was his duty to inform the management regarding his inability to attend the duties. But he did not do so. Therefore the natural conclusion is that he absconded from the duties. The management cannot be said to be at any fault for not allowing him to join the duties.

31. That takes me to the medical certificate (Ex-8/11) dated 3-7-94 issued by one doctor of Akola. He certified that the workman was under his treatment between 10-12-93 to 31-7-94. That is the period in which he remained absent. Tribhuwan Singh accept that he went to Resowd which is his native place after falling sick. He took treatment there. It is about 80 Kms. away from Akola. On the advice of his doctor at Resowd he went to Akola for further treatment. He was a patient in the private clinic of the doctor who is attached to the government hospital. Naturally some of the days of his absentism must be at Resowd where he alledged to have taken treatment. If that is so the period mentioned in the certificate (Ex-8/11) appears to be incorrect. If that is so the testimony of Tribhuwan Singh is not reliable. The contention taken by the management that he absconded the duty is to be accepted. It cannot be forgotten that he is a casual worker and got the job in view of the order of the Central Administrative Tribunal. His conduct clearly speaks that he has no care for his job and now moved the Tribunal with ulterior motive. That cannot be allowed. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

The action of the management of T.D.E., Akola, Maharashtra in not allowing to join Tribhuwan Singh Panchdev Singh to service is legal and justified.

S. B. PANSE, Presiding Officer

मई दिल्ली, 28 अक्टूबर, 1997

का.आ०-2973—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार महानगर टेलीफोन निगम लिमिटेड, मुम्बई के प्रबंध-तंत्र के संबंध नियोजकों और उन कर्मकारों के बीच, अनुबंध में निर्विष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण, नं. 2 मुम्बई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 28-10-97 को प्राप्त हुआ था।

[सं. एल-40012/233/94-आईआर (डीप)]
के.वी.बी. उणी, डैक अधिकारी

New Delhi, the 28th October, 1997

S.O. 2973.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, No. 2, Mumbai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Mahanagar Telephone Nigam Ltd., Mumbai and their workman, which was received by the Central Government on the 28-10-97.

K. V. B. UNNY, Desk Officer
[No. L-40012/233/94-ID(DU)]

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL NO. 2, MUMBAI
PRESENT :

Shri S. B. Panse, Presiding Officer
Reference No. CGIT-2/14 of 1996

Employers in relation to the Management of
M.T.N.L.

AND
Their Workmen

APPEARANCES :

For the Employer—Mr. S. R. Rajguru, Advocate

For the Workmen—Mr. N. Y. Lokhande,
Advocate

Mumbai, dated 15th September, 1997

AWARD

The Government of India, Ministry of Labour by its Order No. L-40012/233/94-IR(DU), dated 30-1-96, had referred to the following Industrial Dispute for adjudication :

“Whether the action of the management of Mahanagar Telephone Nigam Ltd., Bombay in terminating the services of Shri Shivasagar Shrinarayan Dubey w.e.f. 1-6-1992 is justified ? If not to what relief the workman is entitled ?”

2. Shivasagar Shrinarayan Dubey pleaded that he was employed by the Chief General Manager Telephone Nigam Ltd., Bombay on 1-4-82 under Assistant Engineer, Cable Depot/Parcel, Santacruz.

3. The workman pleaded that he worked from 1-4-82 till 4-3-92. Thereafter as he was sick he was took an oral permission from the superior and had gone to the native place because there was nobody to look after him at Bombay. It is asserted that he required such time to over come from the sickness and thereafter approached the superiors on 15-3-93 but he was not allowed to join the duties. He made an appeal with the medical certificate to the Assistant Engineer, Kurle Cable Depot on the same day. But it was not heard and he was not taken on duty.

4. The workman pleaded that in last ten years he worked continuously but in the year 1991 due to the sickness he could attend only 57 days and in the year 1992 he could not attend the duties at all. It is averred that on 3-11-93 he received the order of termination stating that his request dated 15-9-93 to resume the duty with medical certificate after a lapse of 18 months cannot be entertained by the department and as such his service with M.T.N.L. be treated as terminated effective from 1-6-93.

5. The workman asserted that the action of the management is not on the disciplinary ground. No memo nor a chargesheet was issued to him and his service is illegally terminated which is bad in law. He prayed that he may be reinstated in service with effect from 15-3-93 with full back wages and other consequential benefits. He also prayed that his absence from January, 1992 to 15-3-93 shall be treated as an extra ordinary and should be granted all the benefits of the service.

6. The management resisted the claim by the Written Statement (Ex.-4/9). The first written statement was filed when the management did not receive the copy of the statement of claim but later on it filed it after receipt of the copy of the statement of claim. It is averred that the workman abandoned the service. It is submitted that he was served with a notice by the department to resume the duty but he did not join the duties. It is pleaded that the notice dated 3-11-93 is wrongly construed by the workman. It is averred that the workman was a temporary mazdoor and as such is not entitled to any chargesheet regarding termination. In fact he voluntarily given up the job. It is denied that the action of the management is against the Principles of Natural Justice. It is also denied that there is requirement of compliance to be made under Article 311 of the constitution of India. It is averred that the workman had taken leave in the period of his employment. It is submitted that the workman is not entitled to any of the reliefs as claimed. The workman filed a rejoinder a Exhibit-5. He reiterated the contention taken in the statement of claim.

7. The issues and my findings there on are as follows :

Issues	Finding
1. Whether the Tribunal has jurisdiction to entertain and decide the reference ?	No.
2. Whether the workman abandoned the service from 5th March, 1992 ?	Does not survive, If survives yes.
3. Whether the action of the management of Mahanagar Telephone Nigam Limited in terminating the services of Shri Shivasagar Shrinarayan Dubey w.e.f. 1-6-1992 is justified ?	Does not survive If survives yes.
4. If not, what relief the workman is entitled to ?	Does not survive.

REASONS

8. The issue of jurisdiction has to be seen by the Tribunal. It is not necessary that the adverse party should raise the issue then only the Tribunal can embark upon it. It is general contention that in view of the case, Sub-Divisional Inspector, Posts Vs. Theyyam Joseph 1996 II Supreme 487, the telecommunication is not an industry and this Tribunal has no jurisdiction to decide the matter.

9. In Joseph's case Their Lordships observed 'India is a sovereign, socialist, secular democratic republic has to establish an egalitarian social order under the rule of law. The welfare measures pertain the character of sovereign functions and the traditional duty to maintain law and order is no longer the concept of the state. Directive principles of state policy enjoin in the state diverse duties under IV of the Constitution and performances of the duties are constitutional functions. One of the duties is of the state, to provide telecommunication service to the general public as an entity and so is the essential part of sovereign functions of the state, as a welfare state, it is not therefore an industry."

10. The Learned advocate for the workman placed reliance on various authorities and tried to submit that Mahanagar Telephone Nigam Limited is an industry. According to him in state of Bombay and Ors. Vs. Hospital Mazdoor Sabha and Ors. 1960 I LLJ 251 it is observed, it is the character of the activity which decides the question as to whether the activity in question attracts the provisions of 2(i) of the Act. It is further observed who conducts the activity and whether it is conducted for profit or do not make a material difference. Their Lordships also referred to

Schedule I to the Act which innumerated Industries which may be declared as public utility service under section 2(N) of the Act.

11. In Corporation City Nagpur and its employees 1960 I LLJ 523 Their Lordships considered the scope of the definition Industry. It is observed that however wide the definition of industry might be it could not include the legal or sovereign function of the state viz. the primary and inalienable functions of a constitutional Government which should be confirmed to administration of justice, maintenance of law and other legislative functions.

12. In the management of Safdurjung Hospital and Kuldeep Singh Sethi 1970 II LLJ 266, Their Lordships while considering whether Hospital run by Government or a local authority or by Charitable institutions not as a economic activity as an Industry held that they are not governed by the definition of Industry in section 2(j) of the Act. In paragraph 14 and 15, Their Lordships discussed the point regarding material services. It is observed that material services are not services which depend wholly or largely upon the contribution of professional knowledge, skill or dexterity for the production of the result. Such a service given individually and by individual are services no doubt but not material services. These services involve in activity carried on through cooperation between employers and employee to provide a community with a use of something such as electric power, water, transportation, mail delivery telephones and the like.

13. Then comes the Bangalore Water Supply and Sewerage Board etc. and A. Rajappa & Ors. 1978 I LLJ 349. The Constitutional Bench of seven judges discussed various aspects namely what is industry and laid down different tests for coming to conclusion where a particular activity is an industry or not. The learned advocate for the workman more particularly placed reliance on paragraph 46 and 47 of the Judgment. He also referred to paragraph 131 of the Judgment. It is observed therein that what is the dominant nature test. It is stated that sovereign functions strictly understood alone qualified for exception not the welfare activities or economic adventures undertaken by Government or statutory bodies.

14. In Dhari Gram Panchayat and Shri Brahad Saurashtra Safai Kamgar Mandal Rajkot 1971 I LLJ 508, wherein it is held that conservancy and the sanitary activity carried on by panchayat would be covered by the definition of the word industry. Such activity being a material service and a public utility service, the workers are the workman as defined in section 2(j) of the Act.

15. In another case between Umanyam and State of Kerala 1983 I LLJ 267 Their Lordships have given a test for determining which establishments in an industry are an industry or not. The reference was regarding clerk, typists, Khalasis. While deciding it Their Lordships observed sovereign functions strictly understood alone qualify for exemptions not the other activities or economic adventure taken by Government or statutory bodies. In another case Bijoy Kumar Bharathi & Ors. Vs. State of Bihar I LLJ 214 Their Lordships observed that the mere fact that there is a service code does not amount by necessary implication to the exclusion of the provision of the Industrial Disputes Act to Government department. If there were rules, for instance specially dealing with the manner in which temporary appointments could be terminated it could legitimately be argued that section 25F is excluded. For them the rules framed under the constitutional provisions would have precedence over the Act. It is not possible to accept the contention that the provisions of the Act do not at all apply to Government servants.

16. In Union of India Vs. Presiding Officer Vs. Central Government Industrial Tribunal, Jabalpur, FGR 1994 page 231 Their Lordships observed that the Central Ordinance Department is a severable unit of the defence department of the Central Government and carried on systematic activity with the cooperation of the employees and the employers and is an industry as defined in section 2(j) of the Industrial Disputes Act of 1947.

17. In Writ petition Nos. 1584 of 1981, 8721 of 1981 and 3122 of 1981 the Nagpur Bench of the High Court of Bombay held that telegraph department is an industry under section 2(j) of the Industrial Disputes Act. In K.R.P. Kaimal and Anr. and Director of postal services, Trivandrum 1979 I LLJ 176, it is observed by Their Lordships public utility services like the postal services comes under industry, such activity cannot be called as a sovereign functions solely because rules framed under articles 309 and 310 governs such an employee. In another case between Bhaskaram and Sub-divisional officer 1982 II LLJ 248 it is observed that post and telegraph and Telephone services are named public utility services under the Act. They are industries to which the provisions of sections 10, 12 and 22 of the Act directly apply.

18. In Delhi Science Forum Vs. The Union of India (1996) 2 Supreme Court cases 405 wherein Their Lordships considered section 4 of the Telegraphic Act 1885 which speaks of granting of a licence to non government companies. That right flows from the sub section 1 of section 4 which vests that privilege and right in the Central Government.

19. On the basis of the principles laid down in the above said authorities it is tried to argue that Telecommunication is an industry. It cannot be termed as a sovereign function of state. It is Government undertaking. It works for profits for all these reasons it clearly meets out the requirement of an industry under section 2(j) of the Act and is an industry.

20. The Learned Advocate for the management argued that this Tribunal in an earlier Reference No. 2-26-91 came to the conclusion on the basis of the Joseph's case that Telecommunication is not an industry. Judicial discipline wants that unless there is a verdict from the superior court or that there is sufficient evidence on the record for changing the earlier views the Tribunal should not change its views. This proposition is acceptable. Further more, if it is found by the Tribunal that a view taken by it is incorrect. There in that case it cannot be said that it should commit the same mistake in latter Judgments/Awards. It can very well correct himself as laid down in Mafatlal Engineering Industries Ltd. Vs. Mafatlal Engineering Employees Union and Ors. 1992 I CLR 418. The Award of this Tribunal was challenged in SLP Bombay Telephone canteen employees case. It was confirmed.

21. The Learned Advocate for the workman argued that the Bangalore Water Works was delivered by a Constitution Bench of seven judges. The view expressed in Joseph's case and later on in Bombay Telephones case is of a smaller bench of the same court. In view of Article 141 of the constitution the decision given in those cases is 'per incurium'. The Tribunal has to ignore it. In Bombay Telephones case Their Lordships had considered many of the authorities which were cited before me. The ratio therein cannot be said to be 'per incurium'.

22. The Learned Advocate for the workman placed reliance on Union of India and Ors. Vs. Godfrey Philips India Ltd. (1985) 4 S. C. cases 369 and Punjab Land Development and Reclamation Corporation Ltd. Chandigarh Vs. Presiding Officer Labour Court Chandigarh (1990) 3 S. C. cases 682. These cases deals with the law that the principals laid down by larger bench are to be followed in relation to smaller bench, nobody disputes it.

23. The Supreme Court considered their views expressed in Joseph's case in Bombay Telephone Canteen employees Association, Prabhadevi Telephone exchange Vs. Union of India and Anr. 1997 II CLR 218 Their Lordships considered the Bangalore Water Works, Hospital Mazdoor Sabha, Corporation of City of Nagpur Rajasthan State Electricity Board and many other. They also considered the case of Physical Research Laboratory Vs. K. G. Sharma J. T. 1997 (4) S.C. 527 and came to the conclusion that departmental canteen of Telephone is not an industry. It is observed that the employees working in a statutory canteen in view of respondents admission are holding civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate a dispute on a reference under section 10(1) of the Industrial Disputes Act.

24. In the above said authority their Lordships further observed that the employee gets a remedy under the Act by way of reference and remedy of a judicial redresser by way of proceedings under Article 226 or a petition filed before

the Administrative Tribunal. They are co-existing. The court would therefore strike a balance between the competing rights of the individual and the state agency or instrumentality and decide the validity of the action taken by the management. Necessarily if the service conditions stand attracted all the conditions laid there in would become applicable to the employees with a fixity of tenure and guarantee of service subject to disciplinary action. His removal should be in accordance with the just and fair procedure envisaged under the rules or application of the Principles of Natural Justice as the case may be in which event the security of the tenure of the employee is assured and the whim and the fancy vagary of the employer would be deterred and if unfair and unjust action is found established it would be declared as an arbitrary, unjust or unfair procedure. On the other hand if the finding is that there exists no statutory rule or certified standing order exists or they are not either made in applicable. The remedy of the reference under section 10 of the Act would be always be available and avail of as it is a industry and idicia lead in Bangalore Water Supply Board case gets attracted.

25. In Himanshu Kumar Vidyarthi and Ors. Vs. State of Bihar and Ors. 1997 S. C. cases (L&S) 1079 Their Lordships observed every department of Government cannot be treated to be an industry. When the appointments are regulated by a statutory rules the concept of industry to that extent stands excluded. In that case the petitioners were not appointed to the posts in accordance with the rules but were engaged on the basis of need of the work. They are temporary employees working on daily wages. They are disengagement from service, cannot be construed to be a retrenchment under the Industrial Disputes Act. The concept of retrenchment therefore cannot be stretched to such an extent as to cover these employees since they are only daily wage employees and have no right to the post, their disengagement is not arbitrary. Relying on the ratio given in this authority it is tried to submit that the workman who is a casual labourer have no right for the employment. The other facts are different than the facts before me.

26. The ratio laid down from the above said authorities is that if the employee holds a civil posts and are being paid monthly salary and are employees, the necessary conclusion would be that the Tribunal has no jurisdiction to adjudicate the dispute on a reference under section 10(1) of the Act.

27. Shivasagar Dubey (Exhibit-12) affirmed that he is in service of M.T.N.L. from 1-4-82 to 4-3-92. Initially he was admittedly a casual labourer and thereafter he was temporary mazdoor. From the service sheet which are produced alongwith the statement of claim it clearly speaks that his working days, how much earned leave he earned. How much leave he enjoyed and the wages paid to him. It can be further seen that the payment was monthly. From the written statement Ex-4 and 9 filed by the management it reveals that he was issued notices by the management for joining the duties following which a departmental action will be taken against him. Not only that Kittimani (Exhibit-14) affirmed to that effect. According to him the worker eventhough served with notice to join the duties did not join it nor he informed the management that due to his sickness or for any other reason he will join the duties later on. It appears that due to his continuous working as a casual labourer prior to 1985 in view of the scheme initiated by the department he was given the status of temporary mazdoor. He is paid like that of regular mazdoor. On the basis of the ratio in Bombay Telephones is has to be said the worker holds a civil post. In the result the Tribunal cannot decide the reference under section 10(1) of the Industrial Disputes Act.

28. For the sake of argument if it is said that my finding on issue No. 1 that the Tribunal has no jurisdiction to decide this reference is incorrect I proceed to answer the remaining issues.

29. Dubey (Ex-12) the worker produced a certificate showing the working days which clearly speaks that till 1990 he was continuously working. From January 1991 to 31-12-91 he worked only for 57 days and in the year 1992 he did not work at all. He affirmed that on 4-3-92 he orally informed his superiors that he is sick he is leaving for his native place. It cannot be accepted at all. After working for about nine years he must have knowledge that when one wants to go or avail a leave a written application is to be given. That being not done it has to be said that he left the place without informing the higher authorities.

30. Dubey affirmed that there was nobody to look after him and had no way but to go to his native place. There must be substance in this statement. But nothing prevented him from giving an application for leave. It is not his case that he was bedridden and was impossible to move. It is not his case that his family members took him to native place in an ambulance. The matter does not rest here.

31. Kattimani (Ex-14) the Assistant General Manager (Exhibit-14) affirmed that as the worker remained absent he was constantly informed by the superiors that his leave will be treated as leave without pay. He was warned on several occasions. He was also informed that if he continues to remain absent without getting prior sanction the matter will be reported to the superiors. He affirmed that on 4-11-91 and on 20-2-92 and on 27-1-92 he was asked to resume the duties. Even though he received those notices he did not comply with it. There is no explanation on behalf of Dubey regarding it. That itself suggests that he abandoned the service.

32. Dubey affirmed that he tried to join the duties on 15-9-93 alongwith it he produced a medical certificate of Dr. Bijendra Yadav dated 11-9-93 which speaks that Dubey was under his treatment from 4-3-92 and now fit to join the duties. It can be seen that from January, 1992 till 4-3-92 admittedly the worker was absent. From perusal of the service card it reveals that in January 1991 he worked for sixteen days, in February, two days in March no days, in April two days, in May six days in June thirteen days, July nine days, August six days and September two days. It also appears that from October onwards to December 1991 he did not join the duties. His trend appears to be leaving the job. Ultimately he did so. The certificate which is produced cannot be said to be a true explanation of remaining absent or in other words sufficient reason for remaining absent from duty. I therefore find that the worker had abandoned the service.

33. It is tried to argue on behalf of the workman that the notice dated 3-11-93 informed that it is treated that his services are treated terminated effective from 1-6-92. Even though the word terminated is used the management had given an explanation to the effect that it is wrongly used and it is treated as abandonment of service and the worker has abandoned the service. For the reasons stated above I accept that explanation. As he abandoned the service there is no question of holding any departmental inquiry against him by issuing the charge-sheet. In the result I record my findings on the issues accordingly and pass the following order :

ORDER

The Tribunal has no jurisdiction to decide the reference under section 10(1) of the Industrial Disputes Act of 1947.

नई दिल्ली, 29 अक्टूबर, 1997

का०शा० 2974.—आंदोलिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तुंगभद्रा बोर्ड, टी०बी० डेम, बैलारी डिस्ट्रिक्ट के प्रबंधनतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंदोलिक विवाद में केन्द्रीय सरकार आंदोलिक अधिकरण, बंगलौर के पंचाट को प्रकाशत करती है, जो केन्द्रीय सरकार को 29-10-97 को प्राप्त हुआ था।

[मं० ए८-42011/56/88-डी-II (बी)]
के०बी०वी८ उणी, डैरक्शन अधिकारी

New Delhi, the 29th October, 1997

S.O. 2974.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Tungabhadra Board, T B. Dam, Bellary District and their workman, which was received by the Central Government on 29-10-1997.

[No. L-42011/56/88-D. II (B)]
K. V. B. UNNY, Desk Officer.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR, COURT, BANGALORE

Dated this Wednesday the 22nd day of October, 1997

PRESENT :

Shri K. Mohanachandran, B.Sc., B.L., D.L..
A.L. Presiding Officer.

CENTRAL REFERENCE NO. 52/89

I Party :

The President, Tungabhadra,
Board Factory Workers and
Civil Employees' Union,
Tungabhadra Dam, Hospet taluk,
Bellary District—583 101.

Vs.

II Party :

Tungabhadra Board,
Tungabhadra Dam,
Hospet taluk,
Bellary District,
583101.

AWARD

In this Central Government reference No. 1-42011/56/88-D. II (B), dated 1-8-1989, the point for adjudication is fixed as follows :

"Whether the action of the Tungabhadra Board T. B. Dam Hospet taluk, Bellary District in not agreeing to revise the wages for manual workers even after the expiry of the settlement dated 17-10-1986, which was in force upto 30-6-1988 is justified ? If not, to what relief the workman are entitled to ?"

(2) The (brief) averments of the 1st party in his claim statement are as follows :

The 1st party raised the dispute regarding not agreeing to raise the wages for manual unskilled workers of Tungabhadra Board by the 2nd party even after the expiry of settlement dated 17-10-1986 which was in force upto 30-6-1988. The 2nd party agreed, by signing a memorandum dated 17-10-1986, to fix the daily wage of unskilled manual workers having upto 5 years of service at Rs. 12/- beyond 5 years but less than 10 years; at Rs. 14.25 and at Rs. 16.25 beyond 10 years of service. As per the said settlement the agreement has to come into effect from 1-7-1986. But the 2nd party did not take any action to revise the wages further inspite of persistent demand made by the 1st party. Therefore the 1st party pray for an order for raising daily wage of manual unskilled workers at Rs. 19.25 per day or at Rs. 500/- for a month as prescribed by the Government of Karnataka with effect from 1-7-1988.

(3) In the written statement the 2nd party averred as follows :

The dispute raised by the 1st party under Industrial Disputes Act is not valid since the said Act is not applicable to the Tungabhadra Board. The Tungabhadra Board should be regarded as a Government department and it is not an independent autonomous body. And the Industrial Dispute Act is not applicable for Tungabhadra Board this Tribunal has no jurisdiction to entertain the present case. But anyhow the Board in its memorandum No. 3131/E. 1/80, dated 19-9-1989 had enhanced the wages of daily rated workers of Tungabhadra Board with effect from 1-7-1988. Under those circumstances the 1st party has no right to claim any relief before this Tribunal and therefore the reference has to be rejected.

(4) While the said Central Reference is kept pending in the stage of recording evidence, the 1st party on 19-9-1997 present alongwith his counsel and filed a memo stating that since the service of the 1st party had been converted into monthly rated and accordingly the wages had been paid, the 1st party is not pressing the present reference and it may be dismissed without cost. Counsel for the 2nd party also taken notice of the said memo and endorsed no objection. In such circumstances the said memo has been recorded.

AWARD

The reference in Central Reference No. 52/89 is dismissed without cost in terms of the memo dated 19-9-1997 filed by the 1st party. The memo dated 19-9-1997 of the 1st party will be part and parcel of this award. Submit to Government.

(Dictated to P. A., transcribed by him, corrected by me and signed on this Wednesday the 22nd day of October, 1997).

K. MOHANACHANDRA, Presiding Officer.

IN THE COURT OF INDUSTRIAL TRIBUNAL (CENTRAL) BANGALORE, CAMP BELLARY.

C. R. No. 52 of 1989.

T. B. Board factory workers and Civil Employees Union by its General Secretary.

1st Party.

Vs.

The Secretary Tungabhadra Board, T. B. Dam. Memo fixed on behalf of the 1st party

The workman involved in the above Dispute whose services have been converted into monthly rated and accordingly their wages are paid.

It is therefore prayed that the 1st party Union does not press the above Reference and it may be Dismissed without any order as to costs.

Notice taken No Objection.

Sd./

Advocate for 1st Party.

Sd./-

Advocate for 2nd party.

Sd./-

General Secy.

नई दिल्ली, 29 अक्टूबर, 1997

का.आ. 2975.—प्रोत्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हल्डिया डीक काम्प्लेक्स के प्रबन्ध तंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में, निर्दिष्ट ओप्पोजिक विवाद में केन्द्रीय सरकार ओप्पोजिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-10-97 को प्राप्त हुआ था।

[सं. एल-32012/7/89-आई आर (विविध)]
बी.एम. डेविड, ईस्क अधिकारी

New Delhi, the 29th October, 1997

S.O. 2975.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Haldia Dock Complex and their workmen, which was received by the Central Government on the 29-10-1997.

[No. L-32012/7/89-IR (Misc.)]
B. M. DAVID, Desk Officer.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT CALCUTTA

Reference No. 37 of 1989

Parties :

Employers in relation to the management of
Haldia Dock Complex, Haldia.

AND

Their workmen

Present :

Mr. Justice A. K. Chakravarty
Presiding Officer.

Appearance :

On behalf of Management

Mr. R. Pratihari, Personnel Officer.

On behalf of Workmen

Mr. R. L. Banerjee, Working President of
Haldia—Calcutta Port and Dock Shramik
Union.

Mr. T. B. Roy, Vice President for Calcutta Port
Shramik Union.

None for Calcutta Port & Shore Mazdoor
Union.

State : West Bengal. Industry : Port & Dock.

AWARD

By Order No. L-32012/7/89-IR (Misc.) dated 11-12-1989 the Government of India, Ministry of Labour, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of Haldia Dock Complex of CPI in selecting Shri Kalipada Ballav, Bhandary to the post of ‘Winchman’ is justified and lawful in the context of the relevant rules and provisions of Das Gupta Tribunal Award (1958). If not, what should be the guiding principles in conducting selection for filling up such posts, in future cases?”

2. In the instant case three separate written statements were filed by the three separate unions, namely, Calcutta Port & Shore Mazdoor Union (Haldia Branch), Calcutta Port Shramik Union and Haldia—Calcutta Port & Dock Shramik Union on behalf of the unions. The facts giving rise to this dispute are that the management of Haldia Dock Complex, Haldia of Calcutta Port Trust by its circular No. 43/4/3473 dated 26 February, 1987 invited applications from the willing candidates for training for the job of ‘Winchman’ and ‘Crane Drivers’. The management, thereafter, on the basis of the applications received from the willing candidates, prepared a list of 19 workmen arranging the date of interview on 19th March, 1987. In memo No. MPM/13/4/4310 dated 13th March, 1987 the name of Kalipada Ballay appeared as one of the candidates. The management thereafter, with due approval of the Deputy Chairman, selected by its office order No. MPM/13/4/3807 dated 8th February, 1988 the said Kalipada Ballay, who was working as Bhandary in floating craft unit of Marine Operation Division for training for the job of ‘Winchman’ and the period of training was fixed for 3 months. In the said office order it was also mentioned that on completion of training period Shri Ballay may be considered for appointment to the post of ‘Winchman’. The management, however, by memo No. MMO/2346 dated 27th May, 1988 reverted Shri Kalipada Ballay to his original position of ‘Bhandary’ without assigning any reason after the completion of his training period.

3. In the written statement filed by the Calcutta Port & Shore Mazdoor Union, Haldia Branch, the act of reversion of Shri Kalipada Ballay was challenged as illegal and invalid. It was also alleged by the said union that the management was not justified in taking such a decision of reversion as it apprehended troubles from the other two unions, namely, Haldia—Calcutta Port & Dock Shramik Union and Calcutta Port Shramik Union.

4. In the written statement filed by Calcutta Port Shramik Union it was alleged that the post grade of 'Winchman' is a promotional post and any promotion to such a post must conform to the rules as framed by Mr. Dasgupta in his award which was published by the Government of India, Ministry of Labour & Employment in the Gazette of India (Extraordinary) dated 30-1-1958 under notification No. 437 dated 21-1-1958. It was alleged that as per rule framed in paragraph 27(a), (b) and (d) of the said award seniority shall be the guiding principle for promotion except for jobs requiring higher or extra qualification. It was further alleged that consideration of Shri Kalipada Ballav, Bhandary for the post of 'Winchman' amounts to supersession of other members of the staff of senior grades, which is not at all permissible under the general rules as well as the rules framed by Mr. Dasgupta in his award. This union has further alleged that the 'Bhandary' occupies the lowest grade amongst the grades in the vessel and it can never come within the zone of consideration for the post of 'Winchman' which is two grades above the grade of 'Bhandary'. This union accordingly prayed for holding that the action of the management in selecting Shri Kalipada Ballav, Bhandari for the post of 'Winchman' was not justified and in violation of the rules and provisions of Dasgupta Award (1958).

5. Haldia- Calcutta Port & Dock Shramik Union in its written statement supported the case of Calcutta Port Shramik Union and prayed for similarly as prayed for by the said union.

6. The management of Haldia Dock Complex in its written statement stated that the Haldia Dock Complex was established in 1976 and it constitutes a separate establishment within the Calcutta Port Trust and functions independently through its various divisions under a General Manager. For the purpose of dredging the management obtained Grab Dredger and it was required to be manned on urgent basis in the exigency of dredging work. Some of the operational posts on Grab Dredger e.g., 'Crane Driver' and 'Winchman' were new posts under Haldia Dock Complex and since there was no existing feeder post for filling up the said higher post, one circular dated 26-2-1987 was issued inviting applications from the existing employees of the floating crafts/units under the Marine Operations Division for selection for training for the job of 'Winchman' and 'Crane Driver' for the said Grab Dredger. 19 applications were received from various categories of crew members including Second Seacunny, Marine Hand, Greaser, Lascar, Bhandary etc. and all of them were called for interview on 19-3-1987. Since Shri Kalipada Ballav was found suitable for the

job of 'Winchman', his name was empanelled for the purpose of training as no other suitable candidate from amongst the Marine Hand/Lascar was available or willing to be considered for the said post of 'Winchman'. As Shri Kalipada Ballav was placed for training for the job of 'Winchman', objections were raised by the unions on the ground that his selection amounts to repudiation of the seniority of the workman. In view of the objections raised Shri Ballav could neither be engaged as 'Bhandary' nor as a trainee for the job of 'Winchman'. As his service could not be utilised, the management decided to shift him to his original position as Bhandary'. Thereafter, the union raised an industrial dispute and the conciliation proceeding having failed, the present reference was made. The management has also alleged that the job of Winchman' and 'Crane Driver' being new posts and there being no feeder posts for promotion to the said post of 'Winchman', the management was justified in selection of personnel for training from the existing staff. It is further alleged that the Dasgupta Tribunal having been appointed by the Government of India in the year 1956 for the specific purpose relating to certain specific establishment existing at that time under the then Commissioners of the Port of Calcutta, no question of application of its recommendations in respect of the persons of Haldia Dock Complex can arise, as it came into existence in 1976, long after the Award was passed. Management also denied that in selecting Shri Kalipada Ballav for training for the job of Winchman, they have not violated any rules framed in the Dasgupta Tribunal's Award as no suitable candidate senior to him was available for appointment to the said post. It is also alleged that the unions did not make any protest in similar type of appointment in the case of 'Crane Driver'. The management accordingly prayed that Shri Kalipada Ballav, Bhandary be allowed to have his training for the job of 'Winchman'.

6. Heard the representative of the management. None appeared on behalf of the unions at the time of argument. It however appears from the record that the unions duly participated at the time of examination of witnesses. Calcutta Port Shramik Union also filed written argument.

7. In so far as the first point in the schedule of reference, namely, whether the selection of Shri Kalipada Ballav, Bhandary to the post of 'Winchman' is justified and lawful in the context of the relevant rules and provisions of Dasgupta Tribunal's Award (1958), it should be noted at the outset that the concerned workman was not given promotion to the post of 'Winchman'. He admitted in his evidence that he was reverted back to his original post and he

worked as 'Bhandary' from 21-9-1981 till 17-6-1991. The selection of the concerned workman for training for the job of 'Winchman' on 8th February, 1988 having thus admittedly been not given any effect by the management, any discussion in respect of the said matter assumes the character of academic discussion without any practical necessary.

8. The management, however, having pleaded that it has rightly selected Shri Kalipada Ballav and one of the unions namely, Calcutta Port and Shore Mazdoor Union having prayed for cancellation of the order of reversion of the management and the other two unions having denied the right of the management for making such selection on the basis of the Dasgupta Tribunal's Award, it is necessary to examine the Dasgupta Tribunal's Award in this matter. The management of Haldia Dock Complex took the plea that it is not bound by the Dasgupta Tribunal's Award of 1958 as Haldia Dock Complex came into existence in 1976. Haldia Dock Complex being under the administrative control of the Calcutta Port Trust, it cannot claim to be a separate entity and accordingly the plea of the Haldia Dock Complex that it is not bound by the said Award which was in respect of certain categories of employees of Calcutta Port Trust, cannot be accepted. It was further contended on behalf of the management that certain new posts like the 'Winchman' was created long after the Dasgupta Tribunal's Award and the said Award has not made any provisions in respect of such posts. It may be true that certain new posts were created after Shri Dasgupta passed the award but the principles laid down for filling up the promotional posts shall have application for all posts created after the said Award was passed. The relevant rules in respect of promotion to higher grades are formulated in paragraph 27(b), (c) and (d) of the Dasgupta Tribunal's Award.

9. Admittedly, the post of Bhandary forms lowest amongst the grades of the Marine Operations Division. The next higher grade from the said grade is 'Marine Hand cum Kodaliyan'. The post of 'Winchman' is a grade higher than that of 'Marine Hand-cum-Kodaliyan'. In justification of the selection to the post of 'Winchman' from the persons occupying the post of 'Bhandary' it was submitted that the management can do so in terms of the provisions of paragraph 27(c). Paragraph 27(c) of the Dasgupta Tribunal's Award runs as follows :

"Promotion shall conform to the chart annexed to this award (ANNEXURE III) which is a part of this award. Promotion to a post

shall be from the grade just below; and the claim of the workmen further down shall be considered only when a suitable man is not available from the grade just below."

This paragraph shows that the management can only consider the suitability of the candidates of further lower grades only when no suitable candidate is available in the grade just below. It presupposes that the management shall have to come to a conclusion that the candidates occupying the grade just below are not suitable for appointment. Before such conclusion is reached, the management is prescribed from consideration of the suitability of the candidates holding further lower grades. In other words, applications can only be invited from the candidates occupying grade next below first. This rule clearly forbid the management from inviting applications from other grades of its employees, unless the suitability of the candidates of the grade just below is considered. The position is further clarified from the provisions of paragraph 27(d) of the Dasgupta Tribunal's Award which runs as follows:

"Whenever there is any vacancy or any prospect of vacancy in the higher grades, applications shall be invited from workmen of lower grades by a general notice fixing the date of the prescribed test according to the existing practice, if any, posted at some conspicuous place at different exists in good time before the date on which the test is to be held. A copy of such notice shall also be pasted on the Notice Board of the Recruiting Office. The total number of candidates that may be permitted to take the test shall be selected according to seniority and shall not exceed six times the total number of vacancies."

By inviting application for filling up the post of 'Winchman', not only from the grades just below but also from the candidates occupying the posts even below those grades, the management clearly violated the provisions of the Dasgupta Tribunal's Award, which as I have stated above, shall be equally binding in the case of Haldia Dock Complex. It is also no good saying that the post of 'Winchman' is a new post which is not covered by the Award. The post being admittedly a promotional post, the rules prescribed in the Dasgupta Tribunal's Award for filling up the promotional post, shall be equally applicable in the case of filling up the promotional post, shall be equally applicable in the case of filling up of the post of 'Winchman'.

10. In view of what goes above, the action of the management of Haldia Dock Complex of the Calcutta Port Trust in selecting Shri Kalipada Ballay, Bhandary to the post of 'Winchman' was not justified and lawful in the context of the relevant rules and provisions of Dasgupta Tribunal's Award (1958). As stated above, the rules and provisions prescribed for promotion in the said Award should be the guiding principle in conducting selection for filling up such posts in future cases.

This is my Award.

A. K. CHAKRAVARTY, Presiding Officer
Dated, Calcutta,

The 14th October, 1997.

नई दिल्ली, 5 नवम्बर, 1997

का.आ. 2976.—उत्प्रवास अधिनियम, 1983 (1983 का 31) की धारा 27 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के शम मंत्रालय की दिनांक 24 जुलाई, 1987 की अधिसूचना का.आ.सं. 2092 का अधिकारण करते हुए, केन्द्रीय सरकार एतद्वारा उत्प्रवासी

महासंरक्षक, शम मंत्रालय, नई दिल्ली की अधिनियम के अन्तर्गत किसी अपराध के संबंध में किसी व्यक्ति पर अभियोजन चलाने की पूर्व अनुमति देने के लिये प्राधिकृत करती है।

[सं. जे.ड-11025/30/87-उत्प्र.-II]

वी.डी. नागर, अवर सचिव

New Delhi, the 5th November, 1997

S.O. 2976.—In exercise of the powers conferred by section 27 of the Emigration Act, 1983 (31 of 1983) and in supersession of the notification of the Government of India in the Ministry of Labour, S.O. 2092 dated the 24th July, 1987, the Central Government hereby authorizes the Protector General of Emigrants, Ministry of Labour, New Delhi to grant previous sanction for prosecution of any person in respect of any offence under the Act.

[No. Z-11025/30/87-Enig. II

V. D. NAGAR, Under Secy.

